



**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 2,  
TO 2009 ASSEMBLY BILL 792**

April 19, 2010 – Offered by JOINT COMMITTEE ON FINANCE.

- 1           At the locations indicated, amend the substitute amendment as follows:
- 2           **1.** Page 2, line 2: delete “The total” and substitute “Except for the department  
of transportation and the University of Wisconsin System, the total”.
- 3           **2.** Page 2, line 16: after that line insert:
- 4           “**SECTION 1m.** 16.42 (1) (i) of the statutes is created to read:
- 5           16.42 (1) (i) For the department of transportation and the University of  
6           Wisconsin System, the total amount budgeted and requested for contract  
7           expenditures, an identification of the appropriation or appropriations used to fund  
8           the contract expenditures, and the total amount of base level funding used to pay for  
9           these contract expenditures.”.

1           **3.** Page 2, line 21: after “positions” insert “, except that, for purposes of this  
subsection, only the information specified in s. 16.42 (1) (i) is required for the  
department of transportation and the University of Wisconsin System”.

2           **4.** Page 24, line 2: delete “The” and substitute “The Subject to sub. (13g), the”.

3           **5.** Page 24, line 5: delete “~~16.75~~ 16.7015, 16.705 (4), 16.71 to 16.751” and  
substitute “16.75”.

4           **6.** Page 24, line 6: delete “16.705 except s. 16.705 (4),”.

5           **7.** Page 24, line 16: delete the material beginning with “. Notwithstanding”  
and ending with “administration” on page 25, line 2.

6           **8.** Page 25, line 3: before that line insert:

7           “**SECTION 27m.** 84.01 (13g) of the statutes is created to read:

8           84.01 (**13g**) PROCEDURES AND REQUIREMENTS FOR CONTRACTUAL ENGAGEMENTS OF  
9           SERVICES. (a) In this subsection:

10           1. “Available,” with respect to an employee, means that the employee is  
11           qualified and any of the following applies:

12           a. The employee is already doing the work in question.

13           b. The employee is on layoff status in classes that can do the work in question.

14           c. There are authorized positions that are currently vacant with respect to the  
15           work in question.

16           2. “Available,” with respect to an employee, does not include an employee who  
17           is doing other work, is retired, or has decided not to do the work in question.

18           (b) Before entering into any contract for the engagement of services under sub.  
19           (13), the department shall determine, at least, that all of the following apply:

1           1. No current state employee is able and available to perform the services called  
2 for by the contract.

3           2. The work to be performed under the contract is necessary to the department's  
4 achievement of its statutory responsibilities and there is statutory authority to enter  
5 into the contract.

6           3. The contract will not establish an employment relationship between the  
7 state or the department and any person performing under the contract.

8           4. The contractor and its agents are not employees of the state.

9           5. The department has specified a satisfactory method of evaluating and using  
10 the results of the work to be performed.

11           6. The contract term does not exceed 2 years, unless the secretary has  
12 determined that a longer duration is in the best interest of the state, and the  
13 combined contract and amendments will not exceed 5 years without specific, written  
14 approval by the secretary according to established policy, procedures, and standards,  
15 or unless otherwise provided for by law.

16           (c) Before entering into any contract for the engagement of services under sub.  
17 (13), the department shall develop and implement a written plan providing for the  
18 assignment of specific department personnel to manage the contract, including a  
19 monitoring and liaison function, the periodic review of interim reports or other  
20 indications of past performance, and the ultimate utilization of the final product of  
21 the services. In the event the results of the contract work will be carried out or  
22 continued by state employees upon completion of the contract, the contractor shall  
23 include state employees in development and training, to the extent necessary to  
24 ensure that after completion of the contract, state employees can perform any  
25 ongoing work related to the same function. The department may not contract out its

1 previously eliminated jobs for 4 years without first considering the same former  
2 employees who are on the seniority unit layoff list who meet the minimum  
3 qualifications determined by the department. The terms of a contract shall provide  
4 that no more than 90 percent of the amount due under the contract may be paid until  
5 the final product has been reviewed by the secretary and the secretary has certified  
6 that the contractor has satisfactorily fulfilled the terms of the contract.”.

7 **9.** Page 25, line 4: before “On” insert “(a)”.

8 **10.** Page 25, line 10: delete the material beginning with “To” and ending with  
“ (8).” on line 11.

9 **11.** Page 25, line 14: delete “(a)” and substitute “1.”.

10 **12.** Page 25, line 16: delete “(b)” and substitute “2.”.

11 **13.** Page 25, line 18: after that line insert:

12 “3. Identification of all contractors engaged, contract amount, duration, and  
13 services to be provided, as well as aggregated value of contracts for each contractor.  
14 The report shall distinguish between initial contracts and extended or renewed  
15 contracts and shall specify the termination date of each contract.

16 4. A summary of the department’s contract review activities.

17 5. Identification of contract services by code according to the type of services.

18 6. Identification of any contracts awarded by other than usual and customary  
19 contracting procedures, including any single source contracts.

20 (b) Within 30 days of final completion of a contract for engagements of services  
21 authorized under sub. (13) that involves an expenditure of more than \$50,000, the  
22 secretary shall submit to the governor, the joint committee on finance, the joint  
23 legislative audit committee, and the chief clerk of each house of the legislature for

1 distribution to the appropriate standing committees under s. 13.172 (3) a one-page  
2 report that includes all of the following information:

3 1. A summary of the purpose of the contract, including why it was necessary  
4 to enter into the contract.

5 2. The amount spent on the contract.

6 3. If the contract was awarded by other than usual and customary contracting  
7 procedures, including if it was a single-source contract, an explanation of why the  
8 department determined that there was only a single source for the services.

9 4. A written performance evaluation of the work done under the contract,  
10 including an appraisal of the contractor's timeliness, quality, cost, and overall  
11 performance in meeting the terms and objectives of the contract. Contractors may  
12 request copies of evaluations prepared under this subdivision and may respond in  
13 writing. Contractor responses must be maintained by the department with the  
14 contract file.”.

15 **14.** Page 34, line 9: delete “25.18 (1) (a), (f), and (m),”.

16 **15.** Page 34, line 10: delete “84.01 (13), 84.06 (2) (a), (3), and (4), 85.015,”.

17 (END)