



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBs0237/1
CMH:wlj:kf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 432**

January 30, 2014 – Offered by Representatives CLARK and SMITH.

1 **AN ACT** *to repeal* 16.75 (1) (b) 2. and 16.75 (2m) (b) 2.; *to renumber and amend*
2 16.75 (1) (a) 1., 16.75 (1) (b) 1. and 16.75 (2m) (b) 1.; *to amend* 16.75 (1) (b) 3.
3 and 16.75 (2m) (a); and *to create* 16.75 (1) (a) 1. c., 16.75 (1) (b) 1g., 16.75 (1)
4 (b) 2m., 16.75 (2m) (b) 1g. and 16.75 (2m) (b) 2m. of the statutes; **relating to:**
5 the purchase of food by the Board of Regents of the University of Wisconsin
6 System.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 16.75 (1) (a) 1. of the statutes, as affected by 2013 Wisconsin Act 20,
8 is renumbered 16.75 (1) (a) 1. a. and amended to read:
9 16.75 (1) (a) 1. a. All orders awarded or contracts made by the department for
10 all materials, supplies, equipment, and contractual services to be provided to any
11 agency, except as otherwise provided in par. (c) and subs. (2), (2g), (2m), (3m), (3t),

1 (6), (7), (8), (9), (10e), and (10m) and ss. 16.705 (1r), 16.73 (4) (a), 16.751, 16.754, 50.05
2 (7) (f), 153.05 (2m) (a), 165.987, and 287.15 (7), shall be awarded to the lowest
3 responsible bidder, ~~taking into consideration~~ to be determined as provided in subd.
4 1. b. and c.

5 b. Except as provided in subd. 1. c., the person who determines the lowest
6 responsible bidder shall consider life cycle cost estimates under sub. (1m), when
7 appropriate, the location of the agency, the quantities of the articles to be supplied,
8 their conformity with the specifications, and the purposes for which they are
9 required and the date of delivery.

10 **SECTION 2.** 16.75 (1) (a) 1. c. of the statutes is created to read:

11 16.75 (1) (a) 1. c. If the Board of Regents of the University of Wisconsin–System
12 is purchasing food and the purchase is subject to par. (b), factors other than price may
13 not comprise more than 50 percent of the total factors used to determine the lowest
14 responsible bidder.

15 **SECTION 3.** 16.75 (1) (b) 1. of the statutes is renumbered 16.75 (1) (b) 1m. and
16 amended to read:

17 16.75 (1) (b) 1m. Except as provided in subd. 2. 2m., when the estimated cost
18 exceeds \$25,000 \$50,000, the department shall invite bids to be submitted.

19 **SECTION 4.** 16.75 (1) (b) 1g. of the statutes is created to read:

20 16.75 (1) (b) 1g. In this paragraph, “produced” means grown or processed in a
21 manner that added at least 51 percent of its present value to the food item.

22 **SECTION 5.** 16.75 (1) (b) 2. of the statutes is repealed.

23 **SECTION 6.** 16.75 (1) (b) 2m. of the statutes is created to read:

24 16.75 (1) (b) 2m. If the Board of Regents of the University of Wisconsin–System
25 is purchasing food and the food is produced within a 100–mile radius of the site to

1 which the food will be delivered, the person who produced the food or who distributes
2 the food may receive the award without submitting a bid if the estimated cost does
3 not exceed \$100,000.

4 **SECTION 7.** 16.75 (1) (b) 3. of the statutes is amended to read:

5 16.75 (1) (b) 3. If subd. ~~1. or 2.~~ 1m. requires bids to be solicited, the department
6 either shall solicit sealed bids to be opened publicly at a specified date and time, or
7 shall solicit bidding by auction to be conducted electronically at a specified date and
8 time. Whenever bids are invited, due notice inviting bids shall be published as a class
9 2 notice, under ch. 985 or posted on the Internet at a site determined or approved by
10 the department. The bid opening or auction shall occur at least 7 days after the date
11 of the last insertion of the notice or at least 7 days after the date of posting on the
12 Internet. The notice shall specify whether sealed bids are invited or bids will be
13 accepted by auction, and shall give a clear description of the materials, supplies,
14 equipment, or contractual services to be purchased, the amount of any bond, share
15 draft, check, or other draft to be submitted as surety with the bid or prior to the
16 auction, and the date and time that the public opening or the auction will be held.

17 **SECTION 8.** 16.75 (2m) (a) of the statutes is amended to read:

18 16.75 (2m) (a) Except as otherwise required by law, if the secretary or his or
19 her designee determines that the use of competitive sealed bidding is not practicable
20 or not advantageous to this state, the department may solicit competitive sealed
21 proposals. Each request for competitive sealed proposals shall state the relative
22 importance of price and other evaluation factors. If the Board of Regents of the
23 University of Wisconsin-System is purchasing food, factors other than price may not
24 comprise more than 50 percent of the total factors used to determine the most
25 competitive sealed proposal.

