



2015 ASSEMBLY BILL 920

February 15, 2016 - Introduced by Representatives SARGENT, JOHNSON, OHNSTAD, ZEPNICK, SUBECK, CONSIDINE, BERCEAU, SPREITZER, C. TAYLOR and SINICKI, cosponsored by Senators RINGHAND, VINEHOUT, HARRIS DODD, LASSA and C. LARSON. Referred to Committee on Workforce Development.

1 **AN ACT to renumber and amend** 16.855 (10m) (ac); **to consolidate, renumber**
2 **and amend** 16.75 (3m) (c) 2. c. and d.; **to amend** 16.75 (3m) (b) 3., 16.75 (3m)
3 (c) 1., 16.75 (3m) (c) 4., 16.75 (3m) (c) 5. a., 16.855 (10m) (am) 3., 16.855 (10m)
4 (b), 16.855 (10m) (c), 25.185 (3), 84.075 (title), 84.075 (1m) (c), 84.075 (2) and
5 84.075 (3); and **to create** 16.75 (3m) (a) 5., 16.75 (3m) (b) 1m., 16.75 (3m) (c) 2.
6 am., 16.855 (10m) (ac) 2., 16.855 (10m) (am) 1m., 16.87 (2) (bm), 23.41 (6) (am),
7 25.185 (1) (e) and (f), 25.185 (2) (am), 84.075 (1c) (c) and 84.075 (1m) (am) of the
8 statutes; **relating to:** preferences for woman-owned businesses in state
9 procurement.

Analysis by the Legislative Reference Bureau

This bill creates preferences in state procurement for certified woman-owned businesses that are similar to preferences in current law for certified minority-owned businesses. For instance, under this bill, state agencies must attempt to ensure that they pay woman-owned businesses 5 percent of the total amount expended for state procurements or certain state construction projects in each fiscal year, which is identical to the requirements for minority-owned businesses. To meet this goal, state agencies may purchase materials or services

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from a woman-owned business that submits a bid that is no more than 5 percent higher than the apparent low bid. This preference is identical to the preference given to minority-owned businesses under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.75 (3m) (a) 5. of the statutes is created to read:

2 16.75 **(3m)** (a) 5. “Woman-owned business” means a business certified by the
3 department of administration under s. 16.285.

4 **SECTION 2.** 16.75 (3m) (b) 1m. of the statutes is created to read:

5 16.75 **(3m)** (b) 1m. The department, any agency to which the department
6 delegates purchasing authority under s. 16.71 (1), and any agency making purchases
7 under s. 16.74 shall attempt to ensure that 5 percent of the total amount expended
8 under this subchapter in each fiscal year is paid to woman-owned businesses.

9 **SECTION 3.** 16.75 (3m) (b) 3. of the statutes is amended to read:

10 16.75 **(3m)** (b) 3. Except as provided under sub. (7), the department, any agency
11 to which the department delegates purchasing authority under s. 16.71 (1), and any
12 agency making purchases under s. 16.74 may purchase materials, supplies,
13 equipment, and contractual services from any minority business, woman-owned
14 business, or disabled veteran-owned business, or from a business that is ~~both a~~
15 ~~minority business and a disabled veteran-owned business~~ certified as more than one
16 of those categories, submitting a qualified responsible competitive bid that is no more
17 than 5 percent higher than the apparent low bid or competitive proposal that is no
18 more than 5 percent higher than the most advantageous proposal. In administering
19 the ~~preference for minority businesses or disabled veteran-owned businesses~~

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1 preferences established in this paragraph, the department, the delegated agency,
2 and any agency making purchases under s. 16.74 shall maximize the use of minority
3 businesses, woman-owned businesses, or disabled veteran-owned businesses which
4 are incorporated under ch. 180 or which have their principal place of business in this
5 state.

6 **SECTION 4.** 16.75 (3m) (c) 1. of the statutes is amended to read:

7 16.75 (3m) (c) 1. After completing any contract under this subchapter, the
8 contractor shall report to the agency that awarded the contract any amount of the
9 contract that was subcontracted to minority businesses, any amount of the contract
10 that was subcontracted to woman-owned businesses, and any amount of the contract
11 that was subcontracted to disabled veteran-owned businesses.

12 **SECTION 5.** 16.75 (3m) (c) 2. am. of the statutes is created to read:

13 16.75 (3m) (c) 2. am. The total amount of money and the percentage of the total
14 amount of money it has expended for contracts and orders awarded to woman-owned
15 businesses.

16 **SECTION 6.** 16.75 (3m) (c) 2. c. and d. of the statutes are consolidated,
17 renumbered 16.75 (3m) (c) 2. cm. and amended to read:

18 16.75 (3m) (c) 2. cm. The number of contacts with minority businesses in
19 ~~connection with proposed purchases.~~ d. The number of contacts, with
20 woman-owned businesses, and with disabled veteran-owned businesses in
21 connection with proposed purchases.

22 **SECTION 7.** 16.75 (3m) (c) 4. of the statutes is amended to read:

23 16.75 (3m) (c) 4. The department shall annually prepare and submit a report
24 to the governor and to the chief clerk of each house of the legislature, for distribution
25 to the appropriate standing committees under s. 13.172 (3), on the total amount of

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1 money paid to and the amount of indebtedness or other obligations underwritten by
2 minority businesses, minority financial advisers, minority investment firms,
3 woman-owned businesses, woman-owned financial advisers, woman-owned
4 investment firms, disabled veteran-owned businesses, disabled veteran-owned
5 financial advisers, and disabled veteran-owned investment firms under the
6 requirements of this subsection and ss. 16.855 (10m), 16.87 (2), 25.185, 84.075 and
7 565.25 (2) (a) 3. and on this state's progress toward achieving compliance with par.
8 (b) and ss. 16.855 (10m) (am) and (10n), 16.87 (2), 25.185, and 84.075 (1m). The
9 report shall also include the percentage of the total amount of money paid to and the
10 percentage of the total amount of indebtedness or other obligations underwritten by
11 disabled veteran-owned businesses, disabled veteran-owned financial advisers,
12 and disabled veteran-owned investment firms. In calculating the percentages to be
13 reported under this subsection, the department shall exclude any purchase or
14 contract for which a preference would violate any federal law or regulation or any
15 contract between an agency and a federal agency or any contract that would result
16 in a reduction in the amount of federal aids received by this state.

17 **SECTION 8.** 16.75 (3m) (c) 5. a. of the statutes is amended to read:

18 16.75 **(3m)** (c) 5. a. In determining whether a purchase, contract, or subcontract
19 complies with the goal established under par. (b) 1., 1m., or 2. or s. 16.855 (10m) (am)
20 1., 1m., or 2., 16.87 (2) (b), (bm), or (c), or 25.185 (2) (a), (am), or (b), the department
21 shall include only amounts paid to businesses, financial advisers, and investment
22 firms certified by the department of administration under s. 16.283, 16.285, or
23 16.287 (2), whichever is appropriate.

24 **SECTION 9.** 16.855 (10m) (ac) of the statutes is renumbered 16.855 (10m) (ac)
25 (intro.) and amended to read:

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1 16.855 (10m) (ac) (intro.) In this subsection, “disabled;

2 1. “Disabled veteran-owned business” means a business certified by the
3 department of administration under s. 16.283 (3).

4 **SECTION 10.** 16.855 (10m) (ac) 2. of the statutes is created to read:

5 16.855 (10m) (ac) 2. “Woman-owned business” means a business certified by
6 the department of administration under s. 16.285.

7 **SECTION 11.** 16.855 (10m) (am) 1m. of the statutes is created to read:

8 16.855 (10m) (am) 1m. In awarding construction contracts the department
9 shall attempt to ensure that 5 percent of the total amount expended in each fiscal
10 year is awarded to contractors and subcontractors which are woman-owned
11 businesses.

12 **SECTION 12.** 16.855 (10m) (am) 3. of the statutes is amended to read:

13 16.855 (10m) (am) 3. The department may award any contract to a minority
14 business, a woman-owned business, or disabled veteran-owned business, or a
15 business that is ~~both a minority business and a disabled veteran-owned business~~
16 certified as more than one of those categories, if the business is a qualified
17 responsible bidder and the business submits a bid that is no more than 5 percent
18 higher than the apparent low bid.

19 **SECTION 13.** 16.855 (10m) (b) of the statutes is amended to read:

20 16.855 (10m) (b) Upon completion of any contract, the contractor shall report
21 to the department any amount of the contract that was subcontracted to minority
22 businesses, woman-owned businesses, or disabled veteran-owned businesses.

23 **SECTION 14.** 16.855 (10m) (c) of the statutes is amended to read:

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1 16.855 (10m) (c) The department shall maintain and annually publish data on
2 contracts awarded to minority businesses, woman-owned businesses, and disabled
3 veteran-owned businesses under this subsection and ss. 16.87 and 84.075.

4 **SECTION 15.** 16.87 (2) (bm) of the statutes is created to read:

5 16.87 (2) (bm) The department shall attempt to ensure that 5 percent of the
6 total amount expended under this section in each fiscal year is paid to woman-owned
7 businesses, as defined in s. 16.75 (3m) (a) 5.

8 **SECTION 16.** 23.41 (6) (am) of the statutes is created to read:

9 23.41 (6) (am) The department shall attempt to ensure that at least 5 percent
10 of the total amount expended under this section in each fiscal year is paid to
11 woman-owned businesses, as defined in s. 16.75 (3m) (a) 5.

12 **SECTION 17.** 25.185 (1) (e) and (f) of the statutes are created to read:

13 25.185 (1) (e) “Woman-owned financial advisor” means a financial advisor
14 certified by the department of administration under s. 16.285.

15 (f) “Woman-owned investment firm” means an investment firm certified by the
16 department of administration under s. 16.285.

17 **SECTION 18.** 25.185 (2) (am) of the statutes is created to read:

18 25.185 (2) (am) The board shall attempt to ensure that 5 percent of the total
19 funds expended for financial and investment analysis and for common stock and
20 convertible bond brokerage commissions in each fiscal year is expended for the
21 services of woman-owned financial advisers or woman-owned investment firms.

22 **SECTION 19.** 25.185 (3) of the statutes is amended to read:

23 25.185 (3) The board shall annually report to the department of administration
24 the total amount of moneys expended under sub. (2) for common stock and
25 convertible bond brokerage commissions, the services of minority, woman-owned,

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1 and disabled veteran-owned financial advisers, and the services of minority,
2 woman-owned, and disabled veteran-owned investment firms during the preceding
3 fiscal year.

4 **SECTION 20.** 84.075 (title) of the statutes is amended to read:

5 **84.075 (title) Contracting with minority businesses, woman-owned**
6 **businesses, and disabled veteran-owned businesses.**

7 **SECTION 21.** 84.075 (1c) (c) of the statutes is created to read:

8 84.075 (1c) (c) “Woman-owned business” means a business certified by the
9 department of administration under s. 16.285.

10 **SECTION 22.** 84.075 (1m) (am) of the statutes is created to read:

11 84.075 (1m) (am) In purchasing services under s. 84.01 (13), in awarding
12 construction contracts under s. 84.06 and in contracting with private contractors and
13 agencies under s. 84.07, the department shall attempt to ensure that 5 percent of the
14 total amount expended in each fiscal year is paid to contractors, subcontractors, and
15 vendors that are woman-owned businesses. In attempting to meet this goal, the
16 department may award any contract to a woman-owned business that submits a
17 qualified responsible bid that is no more than 5 percent higher than the low bid.

18 **SECTION 23.** 84.075 (1m) (c) of the statutes is amended to read:

19 84.075 (1m) (c) If a contractor, subcontractor, or vendor is ~~both a minority~~
20 ~~business and a disabled veteran-owned business~~ qualifies for more than one
21 preference under par. (a), (am), or (b), the department may award a contract under
22 par. (a), (am), or (b) but the qualified responsible bid must be no more than 5 percent
23 higher than the low bid, as provided under pars. (a), (am), and (b).

24 **SECTION 24.** 84.075 (2) of the statutes is amended to read:

