



# Tony Evers

OFFICE OF THE GOVERNOR

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March 29, 2024

TO THE HONORABLE MEMBERS OF THE SENATE:

I am vetoing Senate Bill 932 in its entirety.

This bill modifies the state's building program processes in several ways. This bill significantly limits the Building Commission's authority to authorize limited program or project changes if the commission determines that unanticipated project or bidding conditions require the change to effectively and economically construct the project. Under the bill, the Building Commission would need to seek approval by the Wisconsin State Legislature's Joint Finance Committee if the project cost increases exceed a certain threshold, unless the budget increase is funded solely from program revenue, gifts, grants, federal funds, or other sources. The bill also requires the Department of Administration to submit to the Joint Committee on Finance quarterly reports that identify Building Commission projects for which the Building Commission approved a budget increase or which department estimates will need a budget increase, and agencies submitting project reports to the Building Commission would also be required to submit these reports to the Joint Committee on Finance.

In addition, when an architect or engineer selection committee is created for a building project, the committee would only be required to use a request for proposal process to select an architect or engineer for projects with estimated costs of \$15 million or more (up from the current threshold of \$7.4 million), and, if the construction project has an estimated cost of less than \$2 million, the committee would not be able to refuse to select an architect or engineer because the architect or engineer is the sole responsible architect or engineer at their firm. The bill allows the Department of Administration to increase this threshold up to \$15 million.

The bill creates a new exception to single prime contracting for high-dollar building projects. The bill also provides that a bidder or potential bidder may submit questions to the Department of Administration concerning a project up until two days prior to the end of the bidding period, and the department may issue addenda at any time during the bidding period to modify or clarify the project specifications or extend the bidding period.

The bill also requires the Department of Administration and the Board of Regents to collaborate with energy service companies to identify and execute pilot projects using financing provided by the companies to upgrade facilities, reduce deferred maintenance, and increase sustainability.

Under the bill, each state contract for construction work would be required to state which party is responsible for paying project utility service connection charges and which party is responsible for paying for the costs related to the consumption of utility services at the project site.



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The bill also creates a timeline for the Claims Board to hear and make a final determination for claims referred to the board related to infrastructure contracts with the Department of Transportation or construction contracts with the Department of Administration or the Board of Regents.

Finally, the bill transfers \$32 million from the general fund to the state building trust fund in fiscal year 2023-24.

I am vetoing this bill in its entirety because I object to the Legislature removing the Building Commission's authority to adapt and respond to the unanticipated needs of building projects that help ensure efficient completion. I further object to the Legislature's ongoing efforts to unconstitutionally obstruct basic government functions through the use of legislative vetoes, as this bill would surely further enable.

The process created in this bill would result in a minimum delay of 14 working days while the Joint Committee on Finance considers a budget increase through a passive review approval process. If a single committee member objects to the budget increase for any reason, then the delay is likely to be far more significant given the committee's infrequent scheduling in recent years. The additional review and approval process created under this bill is likely to create significant delays in the building program and, ironically, result in increased project costs instead. For example, as of this writing, Wisconsinites have waited over 250 days for the Joint Finance Committee to release \$125 million to address PFAS contamination across Wisconsin, which was already approved through the biennial budget process last July. I cannot support legislation that would enable the Joint Finance Committee to substantially delay and disrupt state's critical building program, potentially causing increased costs to taxpayers.

In addition, as I have done previously, I object to the risk posed to the state by allowing multi-million dollar building projects to be awarded to firms with only one responsible architect or engineer.

Respectfully submitted,

Tony Evers  
Governor