

# Project-delivery changes shift to legislature

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The state Building Commission's bipartisan support for changing Wisconsin's project-delivery system is not enough on its own to persuade the rest of the legislature to vote for changes.

"What's of utmost importance is that there is true fairness in whatever changes come forward," said state Rep. Joel Kleefisch, R-Oconomowoc, who is not a member of the commission. "I don't know the details of the bill yet, but I've heard questions about fairness in the past, and I want to make sure we're getting the best bid for the least amount of money."

The commission on Wednesday agreed to send to the state Assembly and Senate identical bills reflecting changes recommended last month by David Helbach, administrator in the state Department of Administration's Division of State Facilities and commission secretary. The recommendations would give equal weight in state law to three primary delivery methods: multiple-prime, single-prime and construction manager at risk. Current law favors multiple-prime bidding, in which the state contracts with each major construction discipline on a project, and a case-by-case legislative waiver process for alternate project deliveries.

But Helbach said Wednesday his recommendations are bare-bones options and could undergo major changes.

The bills alarmed state Rep. Gordon Hintz, D-Oshkosh. The commission member said there needs to be more time spent ironing out small details and providing precise definitions for the different delivery methods and what the state will accept. "It's one thing for us to talk about it, but have you tried to explain all these zeros after numbers or single- or multiple-prime to your colleagues?" he said. "It's a nightmare. I think we need to do as much work as possible on some of the stickiest issues, or else it's going to be left up to legislators that are going to be pushed by their general contractor or subcontractor friends."

Hintz was the only commission member to voice such concerns, however, as others agreed it would be foolish to delay moving the bills. "Whether or not the Legislature acts on this, we've never been this far," said commission member state Sen. Ted Kanavas, R-Brookfield. "Sometimes it takes multiple sessions to get something passed, but our window is now."

The problem is many lawmakers do not know the details of the bill or the implications of the proposed changes to state law, said state Rep. Bob Ziegelbauer, D-Manitowoc, who is not a commission member. It does not matter, he said, if the six bipartisan members agree on a bill because he and lawmakers will not simply take the building commission's endorsement for change. "This is a serious topic," he said. "and the fact that one commission supports it does not absolve me of thinking seriously about it."

John Mielke, vice president of the Associated Builders and Contractors of Wisconsin, said the bills will change as they move through Senate and Assembly committees. Groups that argued strongly for one particular delivery method, he said, will continue to lobby. "I don't know the magnitude of what will happen," he said. "But everybody expects there to be change."

Although Hintz agreed to introducing the bill and signed his name to it, he said he expects a long, convoluted fight among lawmakers not familiar with the issue. "I see it moving forward more quickly the more work we do," he said, "rather than giving it over to a complicated, disagreeable group."