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AUTHORITY:

Wis. Stats. 16.75(1)(a)
19.31
19.32
19.33
19.34
19.35
19.36
19.37
19.39
19.85(1)(e)
134.90(1)(c)
943.205(2)(e)

Wis. Adm. Code Chapter Adm 8.04

SCOPE: - to establish policy regarding public availability of procurement records

DEFINITIONS:

I.

I.

- "Record" means any material on which written, drawn, printed, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics which has been created or is being kept by an agency. Record does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared in the name of the person for whom the originator is working.
- II. "Requester" means any person who requests inspection or copies of a record.
- III. "Confidential information" or a "trade secret" is information which is intended by the owner not to be available to anyone other than the owner, or persons having access thereto with the owner's consent, and is so stated by the owner, which accords or may accord the owner a competitive advantage over other persons.

CONTENT:

All persons are entitled to information regarding state procurement activities. It is the intention of the state to maintain an open and public process in the solicitation, submission, review, and approval of procurement contracts.

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- II. At the agency's discretion, bidders/proposers lists may be kept closed until the notice of intent to award is issued or, in the case of requests for bids/proposals for commodities and for requests for bids/proposals \$50,000 or less, before the contract is awarded. However, in some instances, the agency may choose to divulge the bidders/proposers list before the request for bid/proposal due date to increase competition and/or encourage partnerships among vendors.
- III. Request for bid (RFB) openings are open to the public. Bids need not be evaluated at this time, nor awards announced. A summary of information disclosed at the RFB opening is made available to the public upon request as soon as practical after the opening. To provide for analysis and abstracting, RFB records may not be available for public inspection before the notice of intent to award is issued or, in the case of RFBs for commodities and for RFBs \$50,000 or less, before the contract is awarded. The public may inspect RFB records and may copy them after the notice of intent to award is issued or, in the case of RFBs for commodities and for RFBs \$50,000 or less, after the contract is awarded.
- IV. Request for proposal (RFP) openings may be open to the public. The names of the proposers may be read aloud and a written record is established. Proposals need not be evaluated at this time, nor awards announced. A summary of information disclosed at the RFP opening is made available to the public upon request as soon as practical after the opening unless competitive or bargaining reasons dictate that the information should not be made public at that time. Materials submitted for the RFP process (competitive negotiation) may not be available for public inspection before the notice of intent to award is issued or, in the case of RFPs for commodities and for RFPs \$50,000 or less, before the contract is awarded. All materials submitted for the RFP process are available for public inspection after the notice of intent to award is issued or, in the case of RFPs for commodities and for RFPs \$50,000 or less, after the contract is awarded except as noted in V. below.

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- V. Any record or portion of a record that contains confidential information, or a trade secret, or wage information on printing procurements may be withheld. Such information must be identified as confidential or a trade secret by the bidder at the time the bid is submitted.
- VI. Each agency will make available for inspection and copying any record produced or collected by a vendor under a contract to the same extent as if the record were maintained by the agency.

Authorized:

