

# State Procurement Manual

DOA-3449 N(R06/94) Formerly AD-P-12

		Number PRO-I-9
		Effective 3-27-07
Section CONTRACTING FOR SERVICES	Agencies Affected ALL	Replaces 8-1-05
Title COMPLIANCE WITH COLLECTIVE BARGAINING AGREEMENTS/NOTIFICATION OF LABOR ORGANIZATIONS		Page 1 of 3

**AUTHORITY:** [Wis. Stats. 16.705\(1\), \(2\), \(3\)\(c\)](#)  
[Wis. Adm. Code Chapter Adm 10.05](#)

**SCOPE:**

- to establish a procedure for notifying the labor organizations representing the appropriate certified collective bargaining units where required by law or collective bargaining agreement of proposed purchase of services over \$25,000
- to establish a procedure for assessing compliance with applicable state collective bargaining agreements when contracting for services over \$25,000

**CONTENT:**

- I. Any procurement for services over \$25,000 (including requests for bids/proposals, general waivers, and noncompetitive negotiations (sole source waivers) requires a notice to the appropriate labor organization(s). The agency will retain a file copy for delegated transactions over \$25,000.
- II. The procuring agency must notify the appropriate labor organization representing the appropriate certified collective bargaining unit of the proposed procurement regardless of whether the procuring agency has employees represented by that labor organization.
- III. The State Bureau of Procurement will comply with PRO-I-9 for all its statewide contracts. For Enterprise contracts that have had the notifications sent to the applicable labor organization, but require request for service (RFS) actions to solicit firms on the contract, the labor organization will be included in the RFS sent by the agency. This will serve as a five (5)-day notice to the labor organization. Along with this notice, a cost benefit analysis (CBA) will be delivered, unless the CBA would jeopardize the negotiations with the vendors. In those cases, the CBA will be sent after the awarded vendor is chosen.
- IV. Notice to Human Resources:  
  
 The agency purchasing or procurement manager sends a notice to the agency human resources director or manager, chief administrative officer, or designee, advising of the intent to purchase services over \$25,000. The notice must describe the services to be provided, the length of the contract and any proposed renewal options, and the anticipated total dollar amount of the contract including renewals.

Authorized:



Helen McCain, Director  
 State Bureau of Procurement

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(See [sample](#) notice.) The purpose of the notice to human resources is to request that a determination be made as to whether any labor organizations must be notified of the intended procurement.

The human resources director or manager, chief administrative officer, or designee, assesses the compliance with bargaining agreements and responds to the purchasing or procurement manager with a written determination on whether labor organizations must receive notice of the procurement. The human resources director or designee will also review the appropriate collective bargaining agreement to assure compliance with the contract.

V. Notice to Labor Organization:

If the labor organization(s) must be notified, the human resources director or manager, chief administrative officer, or designee, notifies the appropriate labor organizations of the planned procurement. The notice to the labor organization must include a justification of need. (See [PRO-I-4](#), Justification of Need.) The notice must be signed by the agency head, deputy, chancellor, or vice chancellor and a copy sent to the agency purchasing or procurement manager. (See [sample notice](#).)

The notice to the labor organization must be sent to the appropriate labor organization at the time the Request for Purchasing Approval/Authority (RPA) is submitted to the State Bureau of Procurement, or at the commencement of the procurement process, but not less than 30 days in advance of the implementation of the contract.

VI. The appropriate labor organization will be notified of a state agency's intent to contract for a service normally performed by employees of the bargaining unit within the guidelines of their contract.

VII. If the labor organization/association disputes an intended contractual services procurement, the purchasing agent must immediately notify the agency's personnel director, legal counsel and the Office of State Employment Relations. The decision to proceed with the procurement will be made by the agency's secretary.

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- VIII. General waivers require a single notification of the appropriate labor organization. The agency may elect to consolidate recurring and similar transactions into a single notice to the appropriate labor organizations.
- IX. PRO-I-9 applies to intergovernmental contracts as defined in [PRO-C-25](#), Intergovernmental Procurements.
- X. All procurements for services over \$25,000 requiring an RPA must be accompanied by a copy of the notice to the labor organization or a copy of the determination from human resources which states that no labor organization requires notification.
- XI. Amendments to existing contracts which have had labor organization notification do not require additional notification of labor organizations.

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