

PROCUREMENT INFORMATION MEMORANDUM

Date Issued: March 11, 2019

Number: 19-003

Effective Dates: Date Issued Until Modified or Retired

Subject: Non-Discrimination in State Contracts Per 2019 Wisconsin Executive Order 1

I. AUTHORITY

2019 Executive Order 1
Wis. Stats. 16.756
Wis. Admin. Code Chapter Adm 50

II. PURPOSE

Wisconsin 2019 Executive Order 1 ("Order") directs DOA to develop terms for all contracts, subcontracts and grants requiring that the contractor may only hire based on merit and there may be no discrimination based on fifteen (15) specified classes. The majority (ten (10)) of the classes are covered by existing non-discrimination requirements of 16.765, Wis. Stats.

The purpose of this policy is to prescribe 1) the application of this Order to transactions of all dollar amounts, and 2) the methods DOA and all agencies and campuses will use to ensure compliance. There are no other changes to existing non-discrimination policy, PRO-D-3, Contract Compliance.

III. SCOPE

This policy applies to all purchasing of all dollar amounts being done by state agencies and University of Wisconsin (UW) campuses under the authority of s. 16.71, Wis. Stats., as well as grants and other contracts covered in other sections.

The Order affects non-discrimination requirements in state contracting but does not change the requirements of submitting affirmative action plans under the Wisconsin Contract Compliance Program. State standard terms and conditions have been modified to account for these changes.

IV. IMPLEMENTATION AND COMPLIANCE

Consistent with existing Wisconsin nondiscrimination provisions governing purchases under s. 16.71, Wis. Stats., agencies may not execute a contract with a supplier if they do not agree to Wisconsin's non-discrimination requirements.

The DOA, State Bureau of Procurement, Contract Compliance Program will post a list of suppliers found to not be in compliance. The list will be posted on VendorNet.

The form with which agencies will ensure compliance will depend upon the spend level, procurement method and status of existing contracts.



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A. New Purchases

Agencies will ensure that staff reviews the list of non-compliant entities prior to making purchases. Agencies will use forms DOA-3054, 3054A and/or DOA-3832 to obtain compliance. For agencies signing supplier-generated or authored contracts, the agency will ensure non-discrimination clauses are incorporated.

B. Renewal or Amendment of Existing Contract

Upon the next renewal or amendment to an existing contract (whichever is first), agencies will ensure that the new non-discrimination requirements contained in DOA-3054: Standard Terms-Request for Bid/Proposal or DOA-3054A: Standard Terms-Purchase Order are followed. Agencies are not required to proactively engage existing suppliers, prior to the next renewal or amendment, to incorporate the clause.

V. NOTIFICATION

The DOA, State Bureau of Procurement will publish a notice on the Public Notices website, on VendorNet and on the Wisconsin eSupplier Portal to announce the applicability of the modifications made to standard terms and conditions.

Agencies are required to work with their suppliers to ensure compliance. If, upon clarification with a supplier, they refuse to comply, agencies will notify the DOA Contract Compliance program at DOADEOSBOPPrograms@wisconsin.gov

VI. NON-COMPLIANCE LIST

Suppliers that do not comply will be placed on a published list on VendorNet. Agencies may not do business with non-compliant entities.

If an entity is placed on the non-compliance list and wishes to comply, an authorized representative of the company must contact the DOA Contract Compliance program via email.

Under rare circumstances, either due to emergency or to meet special contracting requirements for the agency, the procuring agency may request an exemption for a supplier. Requests for exemptions are made to the DOA Contract Compliance program at DOADEOSBOPPrograms@wisconsin.gov, who will consult with DOA Legal prior to approving an exemption.

VII. REFERENCE

[PRO-D-3, Contract Compliance Policies and Procedures](#)
[PRO-E-7, Standard Terms and Conditions](#)
[VendorNet Forms Page](#) (for DOA-3054, 3054A and 3832)

