



**Power Tools
to Fight
Privatization**

Stop Bad Contracts

Protect Public Services

Sample Provisions from State Statutes

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States and local governments spend a substantial portion of their budgets on contracted services, often with no assurance that quality of service will be maintained, costs will be controlled or the public interest will be protected. There ought to be a law! And in many states there are laws that help to protect the public interest. Following are some examples:

Establish a Presumption of Public Service Delivery

California

Gov. Code Sec. 19130: “Personal services contracting is permissible to achieve cost savings when all the following conditions are met...(3) the contract does not cause the displacement of civil service employees. The term ‘displacement’ includes layoff, demotion, involuntary transfer to a new class, involuntary transfer to a new location requiring a change of residence, and time base reductions. Displacement does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class and general location.”

Connecticut

Conn. Gen. Stat. 4e-16(d) “...If the primary purpose of the proposed privatization contract is to provide a core governmental function, such business case shall also include information sufficient to rebut the presumption that such core governmental function should not be privatized. Such presumption shall not be construed to prohibit a state contracting agency from contracting for specialized technical expertise not available within such agency, provided such agency shall retain responsibility for such core governmental function. For the purposes of this section, “core governmental function” means a function for which the primary purpose is (A) the inspection for adherence to health and safety standards because public health or safety may be jeopardized if such inspection is not done or is not done in a timely or proper manner, (B) the establishment of statutory, regulatory or contractual standards to which a regulated person, entity or state contractor shall be held, (C) the enforcement of statutory, regulatory or contractual requirements governing public health or safety, or (D) criminal or civil law enforcement. If any part of such business case is based upon evidence that the state contracting agency is not sufficiently staffed to provide the core governmental function required by the privatization contract, the state contracting agency shall also include within such business case a plan for remediation of the understaffing to allow such services to be provided directly by the state contracting agency in the future.”

Illinois (Private Prisons)

730 ILCS 140: "... The State, any unit of local government, or a county sheriff shall not contract with a private contractor or private vendor for the provision of services relating to the operation of a correctional facility or the incarceration of persons...."

Maryland

State Personnel and Pensions Code Sec. 13-402: "The policy of this State is to use state employees to perform all state functions in state-operated facilities in preference to contracting with the private sector to perform those functions."

Minnesota

Minn. Stat. 16C.09: "(a) Before entering into or approving a service contract, the commissioner must determine, at least, that:

(1) no current state employee is able and available to perform the services called for by the contract; ...

(b) For purposes of paragraph (a), clause (1), employees are available if qualified and:

(1) are already doing the work in question; or

(2) are on layoff status in classes that can do the work in question.

An employee is not available if the employee is doing other work, is retired, or has decided not to do the work in question."

Think Before You Act! Examine Alternatives First

Maryland

State Personnel and Pension Code Sec. 13-405: "The unit shall submit a demonstration that the unit has taken formal and positive steps to consider alternatives to the service contract, including reorganization, reevaluation of service, and reevaluation of performance."

Provide Notice to Unions, an Opportunity to Bid, Technical Assistance

California

Gov. Code Sec. 19131: "All organizations that represent state employees who perform the type of work to be contracted, and any person or organization which has filed with the board a request for notice, shall be contacted immediately by the State Personnel Board upon receipt of this notice so that they may be given a reasonable opportunity to comment on the proposed contract.... Any employee organization may request, within 10 days of notification, the State Personnel Board to review any contract proposed or executed."

Connecticut

Conn. Gen. Stat. 4e-16(c)(3) “...If any such proposed privatization contract would result in the layoff, transfer or reassignment of one hundred or more state agency employees, after consulting with the potentially affected bargaining units, if any, the state contracting agency shall notify the state employees of such bargaining unit, after such cost benefit analysis is completed. Such state contracting agency shall provide an opportunity for said employees to reduce the costs of conducting the operations to be privatized and provide reasonable resources for the purpose of encouraging and assisting such state employees to organize and submit a bid to provide the services that are the subject of the potential privatization contract...”

Massachusetts

G.L. Ch. 7, Sec. 54(5): “After consulting any relevant employee organization, the agency shall provide adequate resources for the purpose of encouraging and assisting present agency employees to organize and submit a bid to provide the subject services.... The agency shall consider any such employee bid on the same basis as all other bids.”

Rhode Island

Notice

Gen. Laws Sec. 42-148-3(b): “The director of administration shall notify the bargaining representatives of state employees who will be directly impacted by a potential privatization in writing at least six (6) months in advance of its consideration of privatizing a state service...”

Opportunity to Bid (d)

“Prior to, or up until the time when a prospective offeror is required to submit to the state a proposal for a privatization contract, directly impacted state employees and their bargaining representatives shall be afforded an opportunity to present a new cost estimate, reflecting any innovations that they could incorporate into the work performance standards. This new cost estimate shall be deemed an in-house bid, which shall form the basis for the eventual cost comparison...”

Technical Assistance (d)

“...The director shall provide technical and informational assistance to the in-house state work group in its preparation of an in-house bid...”

Vermont

3 VSA Section 343: “No agency may enter a privatization contract, unless ... (1) 35 days prior to the beginning of any open bidding process, the agency provides written notice to the collective bargaining representative of the intent to seek to enter a privatization contract. During those 35 days, the collective bargaining representative shall have the opportunity to discuss alternatives to contracting. Such alternatives may include amendments to the contract if mutually agreed upon by the parties. Notices regarding the bid opportunity may not be issued during the 35-day discussion period...”

Establish Labor Standards

California

Gov. Code Sec. 19130(2): “Proposals to contract out work shall not be approved solely on the basis that savings will result from lower contractor pay rates or benefits. Proposals to contract out work shall be eligible for approval if the contractor’s wages are at the industry’s level and do not significantly undercut state pay rates. “

Connecticut (Food and Building Services)

Gen. Stat. Sec. 31-57f: “Minimum wages and benefits are determined by the Labor Commissioner based on specified Hartford area private sector collective bargaining agreements or in some cases the minimum hourly wages set forth in the federal Register of Wage Determinations under the Service Contract Act, plus a thirty per cent surcharge to cover the cost of any health, welfare and retirement plans or, if no such plan is in effect between the employees and the employer, an amount equal to thirty per cent of the hourly wage which shall be paid directly to the employees.”

Maine

5 M.R.S. Sec. 1825-B: “State departments and agencies may not achieve cost savings due to cost differentials that derive from a bidder’s failure to provide health and retirement benefits to its employees.... The rules must adjust the bid prices to establish an equivalent basis for bid price and cost comparison among businesses when awarding contracts and between businesses and state employees when determining whether or not a contract is permitted....”

Massachusetts

ALM G.L. Ch. 7, Sec. 54(2): “Contractors are required to pay wages comparable to step one of state wages for similar work or the average private sector wage whichever is less. In addition they must pay no less than the state percentage for health benefits comparable to those offered state employees. The wages and benefits must be included in the bid and must be reported to the contracting agency on a quarterly basis.”

Rhode Island

Gen. Laws Sec. 36-16.1-1: “The rates of wages to be paid the various classes of service employees in the performance of the contract or any subcontract thereunder shall be based upon the prevailing rates for employment in the state.”

Conduct Accurate Cost Comparisons

Maryland

State Personnel and Pension Code Sec. 13-405(c)(2): The cost comparison shall include “direct costs, including fringe benefits, indirect overhead costs ... but only to the extent that those costs are attributed solely to the service in question and would not exist if the service were not performed by State employees,... any continuing or transitional costs that would be directly associated with contracting for the services, including unemployment compensation and the cost of transitional services....additional costs of performance of the services by State employees, including salaries and benefits of additional staff and the cost of additional space, equipment, and materials needed to perform the services.”

Minnesota (Transportation)

Stat. Sec. 161.3203: The “Taxpayers Transportation Accountability Act” provides for a public-private cost analysis for contracting transportation work that is “incidental to the construction or improvement of trunk highways, or maintenance of trunk highways. Before entering into a contract of \$250,000 or more the Transportation Commissioner must determine that

- (1) the private cost estimated will be lower than the public cost;
- (2) the quality of the work to be provided by the designated responder is likely to equal or exceed the quality of services that could be provided by Department of Transportation employees;
- (3) the contract, together with other privatization transportation contracts to which the department is or has been party, will not reduce full-time equivalent positions within the department or result in layoffs; and
- (4) the proposed privatization contract is in the public interest.”

An annual report on these analyses and contracts is made to the Legislature.

Oregon

ORS 279B.030: Demonstration that procurement will cost less than performing service or that performing service is not feasible; exemptions.

- “(1) Except as provided in *ORS 279B.036*, before conducting a procurement for services with an estimated contract price that exceeds \$250,000, a contracting agency shall:
- (a) Demonstrate, by means of a written cost analysis in accordance with *ORS 279B.033*, that the contracting agency would incur less cost in conducting the procurement than in performing the services with the contracting agency’s own personnel and resources; or
 - (b) Demonstrate, in accordance with *ORS 279B.036*, that performing the services with the contracting agency’s own personnel and resources is not feasible....”

ORS 279B.033 Contents of cost analysis; conditions under which procurement may proceed; exceptions.

“(1) In the cost analysis required under *ORS 279B.030*, a contracting agency shall:

(a) Estimate the contracting agency’s cost of performing the services, including:

(A) Salary or wage and benefit costs for contracting agency employees who are directly involved in performing the services, including employees who inspect, supervise or monitor the performance of the services.

(B) Material costs, including costs for space, energy, transportation, storage, raw and finished materials, equipment and supplies.

(C) Costs incurred in planning for, training for, starting up, implementing, transporting and delivering the services and costs related to stopping and dismantling a project or operation because the contracting agency intends to procure a limited quantity of services or procure the services within a defined or limited period of time.

(D) Miscellaneous costs related to performing the services. The contracting agency may not include in the cost analysis the contracting agency’s indirect overhead costs for existing salaries or wages and benefits for administrators or for rent, equipment, utilities and materials except to the extent that the costs are attributable solely to performing the services and would not exist unless the contracting agency performs the services.

(b) Estimate the cost a potential contractor would incur in performing the services, including:

(A) Average or actual salary or wage and benefit costs for contractors and employees who:

(i) Work in the industry or business most closely involved in performing the services that the contracting agency intends to procure; and

(ii) Would be necessary and directly involved in performing the services or who would inspect, supervise or monitor the performance of the services;

(B) Material costs, including costs for space, energy, transportation, storage, raw and finished materials, equipment and supplies; and

(C) Miscellaneous costs related to performing the services, including but not limited to reasonably foreseeable fluctuations in the costs for the items identified in this subsection over the expected duration of the procurement.

(2)(a) After comparing the difference between the costs estimated as provided in subsection (1)(a) of this section with the costs estimated as provided in subsection (1)(b) of this section, except as provided in paragraph (b) of this subsection, the contracting agency may proceed with the procurement only if the contracting agency would incur more costs in performing the services with the contracting agency’s own personnel and resources than the contracting agency would incur in procuring the services from a contractor. The contracting agency may not proceed with the procurement if the sole reason that the costs estimated in subsection (1)(b) of this section are lower than the costs estimated in subsection (1)(a) of this section is because the costs estimated in subsection (1)(b)(A) of this section are lower than the costs estimated in subsection (1)(a)(A) of this section.

(b) A contracting agency may proceed with a procurement even if the contracting agency determines that the contracting agency would incur less cost in providing the services with the contracting agency's own personnel and resources if at the time the contracting agency intends to conduct a procurement, the contracting agency lacks personnel and resources that are necessary to perform the services within the time in which the services are required. If the contracting agency conducts a procurement under the conditions described in this paragraph, the contracting agency shall:

(A) Keep a record of the cost analysis and findings that the contracting agency makes for each procurement the contracting agency conducts under this section, along with the basis for the contracting agency's decision to proceed with the procurement; and

(B) Collect and provide copies of the records described in subparagraph (A) of this paragraph each calendar quarter to the local contract review board, if the contracting agency is a local contracting agency, or to the Emergency Board, if the contracting agency is a state contracting agency.

(C) If the contracting agency is a state contracting agency, in addition to complying with the provisions of paragraph (b) of this subsection the contracting agency shall prepare a request to the Governor for an appropriation and any authority that is necessary for the contracting agency to hire personnel and obtain resources necessary to perform the services that the contracting agency procured under the conditions described in paragraph (b) of this subsection. The request must include a copy of the records that the contracting agency provided to the Emergency Board under paragraph (b)(B) of this subsection.

(3) A cost analysis, record, documentation or determination made under this section is a public record.”

Rhode Island

Gen. Laws Sec. 42-148-4: “Any cost comparison must include an analysis of comparative benefits for employees, all transition costs, any conversion costs and areas where the bidder's costs appear artificially low, thereby putting the state at risk for further cost overruns. In the event that the state will incur new program costs related to the statement of work and performance standards, such costs shall be included in the cost comparison. All cost comparisons must include an analysis of whether the cost savings will result in meeting the performance and qualitative measures set out in the statement of work and performance standards.”

Protect Social Goals and the Public Interest

California

Gov. Code Sec. 19130(11): Contracting can only occur when “the potential economic advantage of contracting is not outweighed by the public's interest in having a particular function performed directly by state government.”

Maryland

State Personnel and Pensions Code Sec. 13-404(2)(ii): Permitted only if the “service contract does not adversely affect the affirmative action efforts of this State.”

Massachusetts

ALM G.L. Ch. 7, Sec. 54(6): “...If the designated bidder proposes to perform any or all of the contract outside the boundaries of the commonwealth, said contract cost shall be increased by the amount of income tax revenue, if any, which will be lost to the commonwealth by the corresponding elimination of agency employees...”

Establish Minimum Savings

Maryland

Personnel and Pensions Code Sec. 13-405(C)(ii): “The unit shall submit calculations that ... show savings to this State, over the duration of the service contract, of 20% of the contract or \$200,000, whichever is less.”

Michigan

Civil Service Rules, Ch. 7-3 “...an appointing authority may make or authorize disbursements for personal services outside the classified service only if ... the personal services would be obtained at substantial savings ... when compared with having the same personal services performed by the classified work force. The personal services do not meet this standard if, despite the savings over the proposed period of disbursements, substantial savings would not likely be realized over the long term.” [‘Substantial’ is defined as 5% to 25% average annual savings depending on the size of the contract.]

Vermont

Title 3, Ch. 14, Sec. 343(2): “No agency may enter a privatization contract, unless ... the proposed contract is projected to result in overall cost savings to the state of at least ten percent above the projected cost of having the services provided by classified state employees.”

Require Legislative Notice and Approvals

Connecticut

Conn. Gen. State 4e-16: “...(i) A state contracting agency may publish notice soliciting bids for a privatization contract only after the board* approves such business case, provided any privatization contract that is estimated to cost in excess of one hundred fifty million dollars annually or six hundred million dollars or more over the life of the contract shall also be approved by the General Assembly prior to the state contracting agency soliciting bids for such contract. The General Assembly may approve any such

contract as a whole by a majority vote of each house or may reject such agreement as a whole by a majority vote of either house. If the General Assembly is in session, it shall vote to approve or reject such contract not later than thirty days after such state contracting agency files such contract with the General Assembly. If the General Assembly is not in session when such contract is filed, it shall be submitted to the General Assembly not later than ten days after the first day of the next regular session or special session called for such purpose. The contract shall be deemed approved if the General Assembly fails to vote to approve or reject such contract within thirty days after such filing. Such thirty-day period shall not begin or expire unless the General Assembly is in regular session. For the purpose of this subsection, any contract filed with the clerks within thirty days before the commencement of a regular session of the General Assembly shall be deemed to be filed on the first day of such session..."

** State Contracting Standards Board, Conn. Gen. Stat. 4e-2(a)*

District of Columbia

D.C. Code Sec. 1-204.51(b)(1): "...No contract involving expenditure in excess of \$1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract."

Rhode Island

Gen. Laws Sec. 42-148-7: "The director of the department of administration shall notify the chairpersons of the house and senate finance committees of their intent to request bids or proposals to privatize state services. The notice to the committees shall be provided thirty (30) days prior to issuing the request..."

Upon the final decision of an award the director of the department of administration shall provide a report to the chairpersons of the house and senate finance committees outlining the bid process and analysis conducted in issuing an award."

Block Deals with Bad Actors

Connecticut (Information Technology and Communications Contracts)

Gen. Stat. Sec. 4d-48: Businesses debarred "...if such business entity or individual previously had a contract with the state ... and such prior contract was finally terminated by the state or a state agency within the previous five years for the reason that such business entity or individual failed to perform or otherwise breached a material obligation of the contract..."

Hawaii

HRS Sec. 103D-702(b): "The causes for debarment or suspension include ... conviction under state or federal statutes relating to embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property ... conviction under

state or federal antitrust statutes arising out of the submission of bids or proposals ... or a recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts....”

Massachusetts

ALM G.L. Ch. 7, Sec. 54 (iv): “The head of the agency and the commissioner of administration shall each certify in writing to the state auditor, that ... the designated bidder and its supervisory employees, while in the employ of said designated bidder, have no adjudicated record of substantial or repeated willful noncompliance with any relevant federal or state regulatory statute including, but not limited to, statutes concerning labor relations, occupational safety and health, nondiscrimination and affirmative action, environmental protection and conflicts of interest.”

Provide Assistance to Affected Employees

Connecticut

Conn. Gen. Stat. 4e-16: (d) The agency “business case” for contracting must include “...(12) a transition plan, if appropriate, for addressing changes in the number of agency personnel, affected business processes, employee transition issues, and communications with affected stakeholders, such as agency clients and members of the public, if applicable. Such transition plan shall contain a reemployment and retraining assistance plan for employees who are not retained by the state or employed by the contractor...”

Connecticut (Information Technology and Communications Contracts – Wage and Benefit Supplement)

Conn. Gen. Stat. Sec. 4d-47. “*Hiring of state employees by contractors and subcontractors.* With respect to any state employee whose position is eliminated or who is laid off as a result of any contract or amendment to a contract...(1) the contractor shall hire the employee, upon application by the employee, unless the employee is hired by a subcontractor of the contractor, or (2) the employee may transfer to any vacant position in state service for which such employee is qualified, to the extent allowed under the provisions of existing collectively bargained agreements and the general statutes. If the contractor or any such subcontractor hires any such state employee and does not provide the employee with fringe benefits which are equivalent to, or greater than, the fringe benefits that the employee would have received in state service, the state shall, for two years after the employee terminates from state service, provide to the employee either (A) the same benefits that such employee received from the state, or (B) compensation in an amount which represents the difference in the value of the fringe benefits that such employee received when in state service and the fringe benefits that such employee receives from the contractor or subcontractor.”

Maryland

State Personnel and Pensions Code Sec. 13-405: “(d) Plan of assistance.

(1) The unit shall submit a formal plan of assistance for all State employees who will be adversely affected by the service contract. (2) The plan of assistance shall include: (i) efforts to place affected employees in vacant positions in the unit or in another unit; (ii) provisions in the service contract, if feasible, for the hiring by the contractor of displaced employees; and (iii) prior notification to affected employees in accordance with § 13-218.1 of the State Finance and Procurement Article.” (At least 60 days before the issuance of a solicitation)

Disclose Revolving Doors

Wisconsin

Stat. Sec. 16.705(5): “The department shall promulgate rules to assure that the process used for selection of persons to perform contractual services includes a review of the independence and relationship, if any, of the contractor to employees of the agency, disclosure of any former employment of the contractor or employees of the contractor with the agency and a procedure to minimize the likelihood of selection of a contractor who provides or is likely to provide services to industries, client groups or individuals who are the object of state regulation or the recipients of state funding to a degree that the contractors independence would be compromised.”

Sunset Contracts

Minnesota

Stat. Sec. 16C.08: For service contracts, the combined duration including amendments cannot exceed five years, “unless otherwise provided for by law.” The term of the original contract cannot exceed two years unless the commissioner determines that a longer duration is in the best interest of the state.

Vermont

Title 3, Ch. 14, Sec. 342(4)(E): Contracts for professional services “such as legal, engineering, or architectural services,” are limited to two years, and contracts for “urgent, temporary or occasional” services are limited to 90 days.

Provide Public Access to Contractor Data

Florida

Stat. Sec. 287.0571 (5)(j): “ ...Mandates a contract provision requiring the contractor and its subcontractors to comply with public records laws, specifically to:

1. Keep and maintain the public records that ordinarily and necessarily would be required by the state agency in order to perform the service or activity.
2. Provide the public with access to such public records on the same terms and conditions that the state agency would provide the records and at a cost that does not exceed that provided in chapter 119 or as otherwise provided by law.
3. Ensure that records that are exempt or records that are confidential and exempt are not disclosed except as authorized by law.
4. Meet all requirements for retaining records and transfer to the state agency, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the state agency in a format that is compatible with the information technology systems of the state agency.”

Produce a Contract Expenditure Report

Colorado

Stat. Sec. 24-102-205: Mandates a state contract database with the following information:

- “(I) The governmental body that entered into the personal services contract;
- (II) The persons or entities with which the governmental body is contracting;
- (III) The duration and number of positions on the state payroll created directly or indirectly as a result of any personal services contract;
- (IV) The purpose of the personal services contract;
- (V) The effective dates, periods of performance, and any renewal terms of the personal services contract;
- (VI) The vendor selection method upon which the personal services contract was awarded, whether competitively procured, awarded on a sole-source basis, or otherwise. Where the contract has been awarded on a sole-source basis, the governmental body shall certify that the governmental body has followed the requirements of subsection (5) of this section.
- (VII) The total value of the personal services contract and any amendments to the contract;
- (VIII) In accordance with the requirements of subsection (6) of this section, an evaluation following completion of the personal services contract that measures the vendor’s performance in meeting contractual requirements relating to quality, cost, and deadlines;
- (IX) Whether any services under the personal services contract, or any subcontracts to the contract that directly relate to the services provided under the contract, are anticipated to be performed outside the United States or the state as disclosed in the statement of work and the vendor’s justification for obtaining

services outside the United States or; and
(X) Upon completion of the personal services contract, the extent as disclosed by the vendor to which any services under the contract, or any subcontracts to the contract that directly relate to the services provided under the contract, were performed outside the United States or the state.”

Minnesota

Stat. Sec. 16C.046: “The commissioner of administration must maintain a Web site with a searchable database providing the public with information on state contracts, including grant contracts. The database must include the following information for each state contract valued in excess of \$25,000: (1) the name and address of the entity receiving the contract; (2) the name of the agency entering into the contract; (3) whether the contract is: (i) for goods; (ii) for professional or technical services; (iii) for services other than professional and technical services; or (iv) a grant; (4) a brief statement of the purpose of the contract or grant; (5) the amount of the contract or grant and the fund from which this amount will be paid; and (6) the dollar value of state contracts, other than grants, the entity has received in each fiscal year and the dollar value of state grants the entity has received in each fiscal year.”

Oregon

ORS 279A.140: “(h) The department [Oregon Department of Administrative Services] shall adopt rules necessary to implement the provisions of this subsection, including but not limited to rules establishing:

(A) A reporting system for personal service contracts, including architectural, engineering, photogrammetric mapping, transportation planning or land surveying services contracts and related services contracts, that includes the following:

(i) A state agency shall submit to the department personal services contract information as directed by the department. A state agency shall file with the department a copy of each personal services contract entered into by the state agency, including appropriate documentation as required by the department. Whenever a state agency pays more in a calendar year under a personal services contract for services historically performed by state employees than the agency would have paid to the agency’s employees performing the same work, the agency shall so report to the department and include in the report a statement of justification for the greater costs.

(ii) The department shall keep the copy of the contract and the department’s documentation on file for three years, after which the department may destroy the file. The department shall maintain a system for filing copies of personal services contracts and documentation submitted to the department under this paragraph. The department shall submit a biennial report to the Legislative Assembly concerning the use of personal services contracts by state agencies. The report must specify the name of each state agency, the amount paid under each personal services contract entered into by the agency, the name of the contractor, the duration of the contract and the contract’s basic purpose. The report must also include the total dollar figure of all personal services contracts for each year of the preceding biennium.”

Rhode Island

Gen. Laws Sec. 37-2.3-4(3): “...As part of the budgetary process, each state agency shall provide an addendum to their submitted budget request listing all privatization contracts; the name of each contractor, subcontractor, duration of the contract provided and services provided; the total cost of each contract(s) for the prior year; and the projected number of privatization service contracts for the current and upcoming year, the total cost of each contract(s) for the prior year; the estimated costs of each contract(s) for the current and upcoming year. The addendum for each agency shall also contain a summary of contracted private contractor employees for each contract, reflected as full-time equivalent positions, their hourly wage rate, and the number of private contractor employees and consultants for the current and previous fiscal year. The addendums shall be open records.”

Wisconsin

Stat. Sec. 16.705(8): “The department shall, annually on or before October 15, submit to the governor, the joint committee on finance, the joint legislative audit committee and the chief clerk of each house of the legislature for distribution to the appropriate standing committees... a report concerning the number, value and nature of contractual service procurements authorized for each agency during the preceding fiscal year. The report shall also include, with respect to contractual service procurements by agencies for the preceding fiscal year:

- (a) A summary of the cost-benefit analyses completed by agencies in compliance with rules promulgated by the department under sub. (2)
- (b) Recommendations for elimination of unneeded contractual service procurements and for consolidation or resolicitation of existing contractual service procurements.”

Return Work to the Public Service

Connecticut

Conn. Gen. Stat. 4e-16(1): “(1) The board may review additional existing privatization contracts and shall review not less than one contracting area each year that is currently privatized.... (3) If such cost-benefit analysis identifies a cost savings to the state of less than ten per cent, such state contracting agency shall prepare a plan to have such service provided by state employees and shall begin to implement such plan, provided: (A) While such plan is prepared, but prior to implementation of such plan, such state contracting agency may develop a business case for such privatization contract, in accordance with the provisions of subsection (d) of this section, that achieves a cost savings to the state of ten per cent or more. Any such business case shall be reviewed by the board in accordance with the provisions of subsections (f) to (h), inclusive, of this section, and may be approved by the applicable vote of the board; (B) such privatization contract shall not be renewed with the vendor currently providing such service unless: (i) There exists a significant public interest in renewing such contract, and (ii) such renewal is approved by a two-thirds vote of the board; (C) the state contracting agency may enter into a contract with a term of one year or less for the provision of such service until such state contracting agency implements such plan; and (D) the procedure for the transfer of funds from the General Fund, as described in section 4-94, may be utilized to allocate necessary resources for the implementation of the provisions of this subdivision.”