

SENATE FILE NO. SF0155

State elected officials-procurement.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to administration of government; providing
2 exceptions to procurement requirements for services and
3 supplies purchased by offices of state elected officials;
4 and providing for an effective date.

5

6 *Be It Enacted by the Legislature of the State of Wyoming:*

7

8 **Section 1.** W.S. 9-1-403(b)(v), 9-2-1016(b)(iv)(B),
9 (C) and (F) and 9-2-1026 are amended to read:

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11 **9-1-403. State auditor; duties; prohibited acts;**
12 **powers; investigative subpoenas.**

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14 (b) The state auditor shall not draw warrants:

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16 (v) For payment on a contract for professional
17 consultant or other services unless the agency has

1 certified that the contract for the services has been
2 reduced to writing before the services are performed, and
3 that the contract is in compliance with procedures of the
4 attorney general, is approved by the attorney general, and,
5 except for contracts entered into by the office of an
6 elected state official, is filed with and approved by the
7 department of administration and information. For payment
8 on a contract for professional or other services entered
9 into by the department of transportation, filing of the
10 contract with and approval by the department of
11 administration and information and approval by the attorney
12 general is not required, however the attorney general shall
13 first review the contract if the contract is over twenty
14 thousand dollars (\$20,000.00);

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16 **9-2-1016. General services division.**

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18 (b) For the purpose of this subsection the term
19 "agencies" does not include the University of Wyoming,
20 community college districts, or school districts. It does
21 not include the department of transportation except as to
22 paragraphs (xi), (xii) and (xiii) of this subsection. The
23 department through the general services division shall:

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1 (iv) Adopt standard forms and procedures
2 providing that bids or contracts for supplies or services
3 shall be awarded through the use of competitive sealed
4 bidding, competitive negotiation, noncompetitive
5 negotiation or small purchase procedures as hereafter
6 provided:

7
8 (B) Whenever the administrator determines
9 in writing that the use of competitive sealed bidding is
10 not feasible or practical, contracts for supplies or
11 services may be made by competitive negotiation. An elected
12 state official may also contract for supplies or services
13 for his office by competitive negotiation if he determines
14 that the use of competitive sealed bidding is not feasible
15 or practical;

16
17 (C) Contracts may be made by noncompetitive
18 negotiation only when competition is not feasible, as
19 determined in writing prior to award by the administrator
20 and approved by the governor or his designee. An elected
21 state official may also contract for supplies or services
22 for his office by noncompetitive negotiation if he
23 determines that competition is not feasible;

24

1 (F) This paragraph shall not apply to the
2 procurement of professional services under W.S. 9-2-1027
3 through 9-2-1033, ~~or~~ nor to purchases of feed by the game
4 and fish department for winter elk ranges. Subparagraphs
5 (D) and (E) of this paragraph shall not apply to the
6 procurement of services or supplies by the offices of state
7 elected officials;

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9 **9-2-1026. Purchasing for legislature and judiciary;**
10 **approval; requirements.**

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12 Purchases of supplies and services for the legislature
13 shall be approved by the management council or its
14 designee. Purchases of supplies and services for the
15 judiciary shall be approved by the judges for their
16 respective courts. Purchases of supplies and services by
17 the offices of state elected officials shall be approved by
18 the respective elected official or his designee. Purchases
19 by the legislature, state elected officials or the
20 judiciary shall be made in accordance with the requirements
21 and guidelines for competitive or negotiated purchases or
22 contracts set forth in W.S. 9-2-1016(b) (iv) (A) and (B).

23

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)