

HOUSE BILL NO. HB0296

Department of audit ombudsman.

Sponsored by: Representative(s) Diercks

A BILL

for

1 AN ACT relating to administration of the government;  
2 providing for a school project ombudsman in the auditor's  
3 office; specifying duties; providing an appropriation; and  
4 providing for an effective date.

5

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

7

8 **Section 1.** W.S. 9-2-2901 through 9-2-2907 are created  
9 to read:

10

ARTICLE 29

11

SCHOOL PROJECT OMBUDSMAN ACT

12

13

**9-2-2901. Short title.**

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16 This act may be cited as the "School Project Ombudsman  
17 Act".

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2       **9-2-2902. Definitions.**

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4       (a) As used in this act:

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6           (i) "Department" means the department of audit;

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8           (ii) "Director" means the director of the  
9 department;

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11           (iii) "Division" means a division or section of  
12 the department as designated by the director;

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14           (iv) "Procurement" means buying, purchasing,  
15 renting, leasing or otherwise acquiring any supplies or  
16 services. It also includes all functions that pertain to  
17 the obtaining of any supply or service, including  
18 description of requirements, selection and solicitation of  
19 sources, preparation and award of contracts and all phases  
20 of contract administration;

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22           (v) "Project" means replacement, renovation or  
23 new construction projects which increase the value of a  
24 school building or facility by improving the functioning

1 of the building or facility or the capacity of the building  
2 or facility, or both, excluding major building and facility  
3 repair and replacement as defined under W.S.  
4 21-15-109(a)(iii) and routine maintenance and repair  
5 defined under W.S. 21-15-109(a)(iii);

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7 (vi) "Services" means the furnishing of labor,  
8 time or effort by a contractor to a school district. The  
9 term does not include employment agreements;

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11 (vii) "School facilities commission" means the  
12 commission established by W.S. 21-15-113.

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14 **9-2-2903. Office created; purpose and duties.**

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16 (a) The office of the school project ombudsman is  
17 created as a separate division within the department of  
18 audit. The office of the school project ombudsman shall  
19 represent the interests of Wyoming citizens including  
20 independent contractors and bidders in matters involving  
21 procurement decisions and the award of contracts for school  
22 construction projects. The school project ombudsman shall  
23 be under the supervision of the department of audit through  
24 its director or as otherwise directed by the department.

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2 (b) The ombudsman shall serve as the administrative  
3 head of the division and shall be appointed by the  
4 director.

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6 (c) The salaries and other expenses of the office of  
7 the school project ombudsman shall be included in the  
8 department's budget and shall be funded by appropriation of  
9 the legislature. Incidental administrative and clerical  
10 services for the office of the school project ombudsman  
11 shall be provided by the department.

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13 **9-2-2904. Responsibilities.**

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15 (a) The ombudsman shall:

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17 (i) Investigate, mediate and resolve complaints  
18 on behalf of individuals involved with the bidding and  
19 contracting process concerning the procurement of supplies  
20 or services by a school district or the award of contracts  
21 for school construction projects, if the ombudsman  
22 reasonably believes that an appropriate subject for  
23 investigation exists; and

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1           (ii) Carry out other activities consistent with  
2 the purpose of this act that the department determines are  
3 necessary.

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5           **9-2-2905. Investigations.**

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7           (a) The ombudsman shall conduct an appropriate  
8 inquiry and shall review all reasonable complaints made  
9 pursuant to this act. The ombudsman shall notify the  
10 school district affected and the school facilities  
11 commission of any inquiry under this act.

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13           (b) When conducting an investigation, the ombudsman  
14 shall engage in appropriate actions including:

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16           (i) Making inquiries of affected parties or  
17 those with the knowledge of matters necessary to establish,  
18 deny or resolve the complaint;

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20           (ii) Observing the bidding and contracting  
21 process, including attending public meetings; and

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1           (iii) Obtaining and reviewing school district  
2 records and bid proposals that are pertinent to the  
3 inquiry.

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5           **9-2-2906. Resolution of complaints.**

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7           (a) The ombudsman shall attempt to resolve complaints  
8 through mediation and negotiation whenever possible.

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10          (b) Following investigation, the ombudsman shall  
11 report his findings and recommendations to the school  
12 district, the department of education, department of audit,  
13 the school facilities commission, the joint education  
14 interim committee, the complainant and any other entity  
15 deemed appropriate by the ombudsman.

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17           **9-2-2907. Retaliation.**

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19 No person shall discriminate against any person for  
20 submitting any complaint or cooperating with the ombudsman  
21 in the investigation of any complaint made pursuant to this  
22 section.

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1           **Section 2.** There is appropriated one hundred fifty  
2 thousand dollars (\$150,000.00) from the general fund to the  
3 department of audit. This appropriation shall be for the  
4 period beginning with the effective date of this act and  
5 ending June 30, 2010. This appropriation shall only be  
6 expended for the purpose of this act. Notwithstanding any  
7 other provision of law, this appropriation shall not be  
8 transferred or expended for any other purpose and any  
9 unexpended, unobligated funds remaining from this  
10 appropriation shall revert as provided by law on June 30,  
11 2010. This appropriation shall be included in the  
12 department of audit's 2011-2012 standard biennial budget  
13 request.

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15           **Section 3.** This act is effective July 1, 2009.

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(END)