

SENATE FILE NO. SF0145

Public works contracts-resident preferences.

Sponsored by: Senator(s) Johnson, Cooper, Hastert and Job
and Representative(s) Martin, Olsen and
Throne

A BILL

for

1 AN ACT relating to public works contracts; modifying
2 requirements for establishment of residency for vendor
3 preferences; modifying definitions; modifying limitations
4 on subcontracting; 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. 16-6-101(a)(i)(intro), (A), (B), (ii)
9 and (iii), 16-6-102(d)(intro), 16-6-103 and 16-6-106 are
10 amended to read:

11

12 **16-6-101. Definitions.**

13

14 (a) As used in this act:

15

1 (i) "Resident" means a person, partnership,
2 limited partnership, registered limited partnership,
3 registered limited liability company or corporation
4 certified as a resident by the department of employment
5 prior to bidding upon the contract or responding to a
6 request for proposal, subject to the following criteria:
7 ~~and subject to W.S. 16-6-102(d):~~

8
9 (A) Any person who has been a resident of
10 the state for one (1) year or more immediately prior to
11 bidding upon the contract or responding to a request for
12 proposal; or

13
14 (B) A partnership, ~~or association, each~~
15 ~~member of which has been a resident of~~ limited partnership,
16 registered limited partnership, registered limited
17 liability company or corporation which has maintained an
18 office and place of business within the state for one (1)
19 year or more immediately prior to bidding upon the contract
20 or responding to a request for proposal;

21
22 (ii) "~~Principal~~ Office" and "~~principal~~ place of
23 business" ~~shall have the meaning as the department of~~
24 ~~employment determines, consistent with the purpose of this~~

1 ~~act, by rule and regulation~~ means a headquarters or
2 administrative center where business activities are
3 conducted or controlled;

4
5 (iii) "This act" means W.S. 16-6-101 through
6 ~~16-6-119~~ 16-6-121.

7
8 **16-6-102. Resident contractors; preference limitation**
9 **with reference to lowest bid or qualified response;**
10 **decertification; denial of application for residency.**

11
12 (d) The department of employment shall deny or revoke
13 a certificate of residency even if the applicant or
14 certificate holder is in compliance with W.S.
15 16-6-101(a) (i) ~~., if the department finds:~~

16
17 **16-6-103. Limitation on subcontracting by resident**
18 **contractors.**

19
20 A successful resident bidder shall not subcontract more
21 than ~~twenty percent (20%)~~ fifty percent (50%) of the work
22 covered by his contract to nonresident contractors.

16-6-106. Statement of Wyoming materials preference
in requests for bids and proposals.

All requests for bids and proposals for materials, supplies, agricultural products, equipment, machinery and provisions for the ~~construction,~~ maintenance and upkeep of every state, county, municipal, community college district or school district institution shall contain the words "preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured, ~~supplied~~ or grown in Wyoming, or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state".

Section 2. W.S. 16-6-101(a) (i) (C) through (G) and 16-6-102(d) (i) are repealed.

Section 3. This act is effective July 1, 2007.

(END)