

## HOUSE BILL NO. HB0065

Procurement amendments.

Sponsored by: Representative(s) Walters, Harshman and Hunt  
and Senator(s) Driskill and Landen

A BILL

for

1 AN ACT relating to the administration of government;  
2 modifying provisions relating to the procurement of services  
3 by public entities; subjecting school districts to the  
4 requirements of the Professional Architectural, Engineering  
5 and Land Surveying Services Procurement Act; providing  
6 applicability; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-2-1028(a)(i) and (iv), 9-2-1030(b),  
11 9-2-1031(b) and (c), 16-6-112(a)(intro) and 21-3-110(a)(viii)  
12 are amended to read:

13

14 **9-2-1028. Definitions.**

15

1 (a) As used in this act:

2

3 (i) "Agency" means any school district, state  
4 office, department, board, commission, institution or other  
5 operating entity of the state excluding the University of  
6 Wyoming, community college districts, ~~school districts~~, the  
7 Wyoming business council and the Wyoming department of  
8 transportation;

9

10 (iv) "Principal representative" means the  
11 governing board of a school district, department, institution  
12 or agency or its designated representative, or, if there is  
13 no governing board, the executive head of a department,  
14 institution or agency;

15

16 **9-2-1030. Qualification procedures.**

17

18 (b) If professional services in an amount exceeding  
19 ~~five thousand dollars (\$5,000.00)~~ twenty-five thousand  
20 dollars (\$25,000.00) are required, the department or the  
21 agency shall notify all qualified architects, engineers and  
22 land surveyors of record who have submitted an annual  
23 statement of qualifications and performance data. In addition

1 if professional services in an amount exceeding fifty  
2 thousand dollars (\$50,000.00) are required, the agency or the  
3 department shall give ~~statewide~~ notice in a newspaper of  
4 ~~statewide-general~~ circulation in the state at least once each  
5 week for ~~four (4)~~ two (2) consecutive weeks prior to  
6 initiation of selection procedures in accordance with W.S.  
7 9-2-1031. ~~Notification~~ All notifications under this  
8 subsection shall contain a general description of the  
9 proposed project, and shall indicate the procedures by which  
10 interested firms may apply for consideration for a contract  
11 to provide professional services for the proposed project.

12

13 **9-2-1031. Selection procedures.**

14

15 (b) In addition to the requirements of subsection (a)  
16 of this section, for any professional services fee estimated  
17 by the agency to exceed ~~twenty-five thousand dollars~~  
18 ~~(\$25,000.00) or, for any project the total cost of which is~~  
19 ~~estimated to exceed one hundred thousand dollars~~  
20 ~~(\$100,000.00)~~ fifty thousand dollars (\$50,000.00), the  
21 principal representative shall interview not less than three  
22 (3) firms selected from those which have submitted proposals  
23 to do the work. The interview shall be recorded and include

1 discussion of each firm's projections of project costs,  
2 qualifications, approaches to the project, ability to furnish  
3 required professional services, use of alternative methods  
4 for furnishing required professional services and an  
5 estimated fee based on the agency's description of the work.  
6 The estimated fee may be used as a basis, along with the  
7 qualifications listed in subsection (a) of this section, for  
8 selection by the principal representative of the most  
9 qualified firm for contract negotiations. If unsatisfied with  
10 the results of such interviews, the principal representative  
11 may select not less than three (3) additional firms for  
12 interviews as provided by subsection (a) of this section.

13

14 (c) In addition to the requirements of subsection (a)  
15 of this section, for any professional services fee estimated  
16 by the agency to be ~~twenty-five thousand dollars (\$25,000.00)~~  
17 fifty thousand dollars (\$50,000.00) or less, ~~or for any~~  
18 ~~project the total cost of which is estimated to be one hundred~~  
19 ~~thousand dollars (\$100,000.00) or less,~~ the principal  
20 representative shall select three (3) firms from which a  
21 project specific submittal shall be requested. The  
22 information provided by the firm shall include an estimated  
23 fee and preliminary scope of services based on the agency's

1 description of the work. The estimated fee may be used as a  
2 basis along with the qualifications listed in subsection (a)  
3 of this section, for selection by the principal  
4 representative of the most qualified firm for contract  
5 negotiations.

6

7 **16-6-112. Contractor's bond or other guarantee; when**  
8 **required; conditions; amount; approval; filing; enforcement**  
9 **upon default.**

10

11 (a) Except as provided under W.S. 9-2-3004(c)(iv), any  
12 contract entered into with the state, any county, city, town,  
13 school district or other political subdivision of the state  
14 for the construction, major maintenance or renovation of any  
15 public building or other public structure or for any public  
16 work or improvement and the contract price exceeds ~~seven~~  
17 ~~thousand five hundred dollars (\$7,500.00)~~ fifty thousand  
18 dollars (\$50,000.00), shall require any contractor before  
19 beginning work under the contract to furnish the state or any  
20 political subdivision, as appropriate, a bond or if the  
21 contract price is one hundred fifty thousand dollars  
22 (\$150,000.00) or less, any other form of guarantee approved

1 by the state or the political subdivision. The bond or other  
2 form of guarantee shall be:

3

4 **21-3-110. Duties of boards of trustees.**

5

6 (a) The board of trustees in each school district  
7 shall:

8

9 (viii) Obtain competitive bids ~~when any school~~  
10 ~~building is to be built, when any repairs, additions or~~  
11 ~~improvements costing more than ten thousand dollars~~  
12 ~~(\$10,000.00) and less than twenty five thousand dollars~~  
13 ~~(\$25,000.00) are to be made to any school building, facility~~  
14 ~~or other district property, or~~ when any purchase of insurance,  
15 supplies or materials other than textbooks costing more than  
16 ten thousand dollars (\$10,000.00) and less than twenty-five  
17 thousand dollars (\$25,000.00) is contemplated unless  
18 precluded by other regulation or statute. If the amount of  
19 the purchase of insurance, supplies or materials other than  
20 textbooks is equal to or exceeds twenty-five thousand dollars  
21 (\$25,000.00), a call for bids shall be published at least  
22 once in a newspaper of general circulation in the district.  
23 When any school building is to be built costing fifty thousand

1 dollars (\$50,000.00) or more or when any repairs, additions  
2 or improvements costing fifty thousand dollars (\$50,000.00)  
3 or more are to be made to any school building, facility or  
4 other district property, the board shall obtain competitive  
5 bids and publish a call for bids in a newspaper of general  
6 circulation in the state at least once each week for two (2)  
7 consecutive weeks. The district shall reserve the right to  
8 reject any and all bids and to waive irregularities and  
9 informalities in the bidding. No contract shall be divided  
10 for the purpose of avoiding this paragraph. Items for which  
11 bids must be obtained may be described in the published call  
12 for bids by stating general requirements and making detailed  
13 specifications available to prospective bidders at the  
14 district's administrative headquarters. The requirements of  
15 this paragraph shall not apply to the procurement of  
16 professional services of architects, engineers or surveyors  
17 when the board seeks to procure professional services  
18 pursuant to W.S. 9-2-1027 through 9-2-1033;

19

20 **Section 2.** This act shall apply only to procurement  
21 activities initiated on or after the effective date of this  
22 act.

23

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

4

5

(END)