

ENROLLED ACT NO. 78, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

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

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

Section 1. W.S. 9-2-1028(a)(i) and (iv), 9-2-1030(b), 9-2-1031(b) and (c), 9-2-3004(c)(iv)(B) and (C), 16-6-112(a)(intro) and 21-3-110(a)(viii) are amended to read:

9-2-1028. Definitions.

(a) As used in this act:

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

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

9-2-1030. Qualification procedures.

(b) If professional services in an amount exceeding ~~five thousand dollars (\$5,000.00)~~ twenty-five thousand dollars (\$25,000.00) are required, the department or the

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agency shall notify all qualified architects, engineers and land surveyors of record who have submitted an annual statement of qualifications and performance data. In addition if professional services in an amount exceeding fifty thousand dollars (\$50,000.00) are required, the agency or the department shall give ~~statewide~~ notice in a newspaper of ~~statewide~~ general circulation in the state at least once each week for ~~four (4)~~ two (2) consecutive weeks prior to initiation of selection procedures in accordance with W.S. 9-2-1031. ~~Notification~~ All notifications under this subsection shall contain a general description of the proposed project, and shall indicate the procedures by which interested firms may apply for consideration for a contract to provide professional services for the proposed project.

9-2-1031. Selection procedures.

(b) In addition to the requirements of subsection (a) of this section, for any professional services fee estimated by the agency to exceed ~~twenty-five thousand dollars (\$25,000.00) or, for any project the total cost of which is estimated to exceed one hundred thousand dollars (\$100,000.00)~~ fifty thousand dollars (\$50,000.00), the principal representative shall interview not less than three (3) firms selected from those which have submitted proposals to do the work. The interview shall be recorded and include discussion of each firm's projections of project costs, qualifications, approaches to the project, ability to furnish required professional services, use of alternative methods for furnishing required professional services and an estimated fee based on the agency's description of the work. The estimated fee may be used as a basis, along with the qualifications listed in subsection (a) of this section, for selection by the principal representative of the most qualified firm for contract negotiations. If unsatisfied with

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the results of such interviews, the principal representative may select not less than three (3) additional firms for interviews as provided by subsection (a) of this section.

(c) In addition to the requirements of subsection (a) of this section, for any professional services fee estimated by the agency to be ~~twenty-five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) or less, ~~or for any project the total cost of which is estimated to be one hundred thousand dollars (\$100,000.00) or less,~~ the principal representative shall select three (3) firms from which a project specific submittal shall be requested. The information provided by the firm shall include an estimated fee and preliminary scope of services based on the agency's description of the work. The estimated fee may be used as a basis along with the qualifications listed in subsection (a) of this section, for selection by the principal representative of the most qualified firm for contract negotiations.

9-2-3004. Duties of the department.

(c) The department shall:

(iv) Oversee bonding for the procurement of capital construction projects. Bidders shall provide a bond or other form of guarantee satisfactory to the state of Wyoming as hereafter provided:

(B) A bid bond or other form of bid guarantee satisfactory to the state may be retained by the state as surety throughout the term of the awarded contract provided the amount of the contract is less than ~~twenty-five thousand dollars (\$25,000.00)~~ or equal to fifty thousand dollars (\$50,000.00);

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(C) Before any contract exceeding ~~twenty five thousand dollars (\$25,000.00)~~ fifty thousand dollars (\$50,000.00) in amount, for the construction, alteration or repair of any public building or public work or improvement of the state is awarded to any person, the person shall furnish to the state a performance and payment bond executed by a surety company authorized to do business in the state of Wyoming or other form of surety satisfactory to the state, in an amount equal to one hundred percent (100%) of the contract price;

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

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

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

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

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(viii) Obtain competitive bids ~~when any school building is to be built, when any repairs, additions or improvements costing more than ten thousand dollars (\$10,000.00) and less than twenty five thousand dollars (\$25,000.00) are to be made to any school building, facility or other district property, or~~ when any purchase of insurance, supplies or materials other than textbooks costing more than ten thousand dollars (\$10,000.00) and less than twenty-five thousand dollars (\$25,000.00) is contemplated unless precluded by other regulation or statute. If the amount of the purchase of insurance, supplies or materials other than textbooks is equal to or exceeds twenty-five thousand dollars (\$25,000.00), a call for bids shall be published at least once in a newspaper of general circulation in the district. When any school building is to be built costing fifty thousand dollars (\$50,000.00) or more or when any repairs, additions or improvements costing fifty thousand dollars (\$50,000.00) or more are to be made to any school building, facility or other district property, the board shall obtain competitive bids and publish a call for bids in a newspaper of general circulation in the state at least once each week for two (2) consecutive weeks. The district shall reserve the right to reject any and all bids and to waive irregularities and informalities in the bidding. No contract shall be divided for the purpose of avoiding this paragraph. Items for which bids must be obtained may be described in the published call for bids by stating general requirements and making detailed specifications available to prospective bidders at the district's administrative headquarters. The requirements of this paragraph shall not apply to the procurement of professional services of architects, engineers or surveyors when the board seeks to procure professional services pursuant to W.S. 9-2-1027 through 9-2-1033;

ORIGINAL HOUSE
BILL NO. HB0065

ENGROSSED

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk