

FISCAL NOTE

The fiscal impact, in the form of additional expenditures, is indeterminable.

This bill would result in an undetermined amount of additional expenditures as the State Construction Department (Department) would have to develop a process to comply with the bill. The Department would have to incorporate into the procurement documents a methodology of collecting each firm's revenue received to allow the selection committee to evaluate the bill's requirement that firms will perform 50% of the contract for professional services using in-state staff or contractors. Once a process is established, only a minimal amount of extra efforts would be required by the selection committee to comply with the bill in each selection process. It is assumed that an audit process would not be involved in verifying the information provided by the consulting firms.

According to the Wyoming Department of Transportation (WYDOT), WYDOT utilizes federal funds for approximately 65% of its consultant contracts (80% of the total contract dollars). Federal regulations pre-empt state law under these circumstances. 23CFR172.7(b)(1)(i), states "State Transportation Agencies (STAs) or other recipients and their subrecipients shall comply with procurement requirements established in State and local laws, regulations, policies, and procedures that are not addressed by or are not in conflict with applicable Federal laws and regulations as specified in 2 CFR part 1201."

For these federally-funded contracts, Federal regulations prohibit an in-state versus out-of-state "Resident Firm" preference. Therefore, WYDOT could not implement this portion of the bill in these cases.

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