

## HOUSE BILL NO. HB0052

Public works and contracts.

Sponsored by: Representative(s) Sommers, Greear, Harshman,  
Larsen and Loucks and Senator(s) Bebout,  
Driskill and Kinskey

A BILL

for

1 AN ACT relating to public works and contracts; modifying  
2 requirements for the procurement of furniture and movable  
3 equipment in capital construction projects; specifying  
4 applicability; and providing for an effective date.

5

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

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8 **Section 1.** W.S. 16-6-1001(a)(ii)(A) and (D) is amended  
9 to read:

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11 **16-6-1001. Capital construction projects restrictions;**  
12 **preference requirements; waivers.**

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14 (a) Unless otherwise prohibited by federal law, any  
15 funds appropriated or authorized for expenditure for capital

1 construction projects shall be subject to the restrictions of  
2 this section which shall be construed where possible as  
3 complimentary and consistent with other statutory  
4 requirements relating to competitive bidding and contractor  
5 preferences. To the extent the restrictions in this section  
6 are inconsistent with other state statutes, this section  
7 shall supersede all such inconsistent provisions and shall  
8 govern. This section shall be applied as follows:

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10 (ii) Unless exempted pursuant to subparagraph (D)  
11 of this paragraph, this paragraph shall apply to all  
12 construction delivery methods:

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14 (A) The procurement of furniture and movable  
15 equipment shall be done by competitive bid based upon ~~either:~~

16

17 (I) Specifications ~~of product written~~  
18 for products that are available from Wyoming resident  
19 suppliers; or

20

21 (II) If specified products are not  
22 available from any Wyoming resident supplier, specifications  
23 addressing performance standards and functional requirements

1 determined by the agency. The agency may specify suggested  
2 individual brands or manufacturers, provided that similar  
3 products that meet or exceed specifications ~~and that have~~  
4 ~~been approved by the agency~~ shall be accepted as substitute  
5 ~~bid items~~ products. Specified products that are not available  
6 to any responsible Wyoming resident suppliers shall not be  
7 used in any group or package within the bid documents which  
8 would exclude responsible Wyoming resident suppliers from  
9 submitting a bid on the final bid package. As used in this  
10 subdivision, "agency" means any department, agency or other  
11 instrumentality of the state or of a political subdivision of  
12 the state to which funds are appropriated or authorized for  
13 expenditure for capital construction projects and includes  
14 any entity that the agency contracts with to administer or  
15 award any bid.

16

17 (D) The requirements of subparagraph (A) ~~or~~  
18 ~~(B)~~ of this paragraph may be waived by a political subdivision  
19 of the state for furniture or movable equipment upon a written  
20 determination that the furniture or movable equipment  
21 requirements of the project are so specialized or that an  
22 item or type of furniture or movable equipment is so unique  
23 or uncommon that failure to waive the requirements would

1 materially impair the functionality of the project. Waivers  
2 under this subparagraph shall be approved by the ~~persons~~  
3 ~~listed in subparagraph (a)(i)(D) of this section and are~~  
4 ~~subject to subparagraph (a)(i)(E) of this section~~ governing  
5 body of the political subdivision.

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7       **Section 2.** This act shall only apply to the procurement  
8 of products on or after July 1, 2019.

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10       **Section 3.** This act is effective July 1, 2019.

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(END)