

SENATE FILE NO. SF0164

Public improvement contract requirements-amendments.

Sponsored by: Senator(s) Boner and Landen and  
Representative(s) Chadwick

A BILL

for

1 AN ACT relating to cities and towns; amending requirements  
2 for contracts for public improvements for municipalities;  
3 amending requirements for the purchase or trade of property  
4 by cities and towns; amending the guarantees required for  
5 public improvement contracts; specifying applicability; and  
6 providing for an effective date.

7

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

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10 **Section 1.** W.S. 15-1-113(a), (d), (f), (g) and by  
11 creating a new subsection (t) is amended to read:

12

13 **15-1-113. Contracts for public improvements.**

14

1           (a) All contracts for any type of public improvement,  
2 excluding contracts for professional services or where the  
3 primary purpose is emergency work or maintenance, for any  
4 city or town or joint powers board wherein at least one (1)  
5 member is a municipality shall be advertised for bid or for  
6 response if a request for proposal or qualification for  
7 construction manager agent, construction manager at risk or  
8 design-builder is used, if the estimated cost, including  
9 all related costs, exceeds a bid threshold of ~~thirty-five~~  
10 ~~thousand dollars (\$35,000.00)~~ seventy-five thousand dollars  
11 (\$75,000.00), except that a contract for the purchase or  
12 lease of a new automobile or truck shall be advertised  
13 regardless of cost and if there is an automobile or truck  
14 for trade-in, it shall be included as a part of the  
15 advertisement and bid. The requirements of W.S.  
16 15-1-112(a) do not apply to any city or town trading in an  
17 automobile or truck on the purchase of a new automobile or  
18 truck.

19

20           (d) Every contract shall be executed by the mayor or  
21 in his absence or disability, by the president or other  
22 presiding officer of the governing body and by the clerk or  
23 designee of the governing body. The successful bidder or

1 respondent shall furnish to the city, town or joint powers  
2 board a bond or other form of guarantee in accordance with  
3 W.S. 16-6-112. A successful bidder shall not be required to  
4 furnish a bond or other form of guarantee if the contract  
5 is for the purchase or lease of a new automobile or truck  
6 that costs less than one hundred thousand dollars  
7 (\$100,000.00).

8  
9 (f) In advertising for any bid, the forms of  
10 guarantee required under this section and approved by the  
11 city, town or joint powers board shall be specified. In  
12 addition, bidders shall be required to accompany each bid  
13 with a bid bond or if the bid is one hundred fifty thousand  
14 dollars (\$150,000.00) or less, any other form of bid  
15 guarantee approved by the city, town or joint powers board,  
16 equal to at least five percent (5%) of the total bid  
17 amount, with sufficient surety and payable to the city,  
18 town or joint powers board. Bidders shall not be required  
19 to accompany a bid with a bid bond or other form of bid  
20 guarantee if the bid is for the purchase or lease of a new  
21 automobile or truck that costs less than one hundred  
22 thousand dollars (\$100,000.00). The bid guarantee shall be  
23 forfeited as liquidated damages if the bidder, upon the

1 letting of the contract to him, fails to enter into the  
2 contract within thirty (30) days after it is presented to  
3 him for that purpose or fails to proceed with the  
4 performance of the contract. The bid guarantee shall be  
5 retained by the city, town or joint powers board until  
6 proper bond or other form of security satisfactory to the  
7 city, town or joint powers board to secure performance of  
8 the contract has been filed and approved. The right to  
9 reject any bid is reserved in all bid advertisements. All  
10 bids shall be numbered consecutively before they are opened  
11 and no further bids may be received after the advertised  
12 time of opening bids and any bid is publicly opened. The  
13 city, town or joint powers board shall give all persons who  
14 desire an opportunity to inspect all bids when they are  
15 opened. No bid may be considered unless accompanied by a  
16 bid guarantee in the required amount.

17

18 (g) No contract for which a bond or other form of  
19 financial guarantee approved by the city, town or joint  
20 powers board is required or for the purchase or lease of a  
21 new automobile or truck that is subject to the advertising  
22 requirements of subsection (a) of this section may be  
23 assigned or transferred in any manner except by operation

1 of law or consent of the governing body endorsed on the  
2 contract. Assignment by any other means renders the  
3 contract null and void as to any further performance by the  
4 contractor or the assignee, without any act on the part of  
5 the city, town or joint powers board. The city, town or  
6 joint powers board may at once proceed to relet the  
7 contract or may at its discretion proceed to complete the  
8 contract as agent at the expense of the contractor and his  
9 sureties.

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11 (t) If a city, town or joint powers board is  
12 unsuccessful in acquiring a bid as provided by this  
13 section, the city, town or joint powers board may proceed  
14 to acquire a vehicle or equipment for which the bid was  
15 sought through a solicitation process, provided that the  
16 cost of vehicle or equipment to be obtained under this  
17 subsection shall not exceed two hundred fifty thousand  
18 dollars (\$250,000.00).

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20 **Section 2.** This act shall apply to all solicitations  
21 for contracts, purchases or leases initiated on and after  
22 July 1, 2023. Nothing in this act shall be construed to

1 impair any contract or agreement entered into before July  
2 1, 2023.

3

4 **Section 3.** This act is effective July 1, 2023.

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6

(END)