

HOUSE BILL NO. HB0089

Resident contractor preferences.

Sponsored by: Representative(s) Gilmore, Blake, Cohee,  
Craft, Goggles, Harshman and Teeters and  
Senator(s) Hastert

A BILL

for

1 AN ACT relating to construction contracts with public  
2 entities; clarifying application of preference requirements  
3 to specified construction project delivery methods;  
4 requiring alternative delivery method bids to be opened in  
5 public; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 16-6-102(a), 16-6-707(a) and 16-6-708  
10 are amended to read:

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12 **16-6-102. Resident contractors; preference limitation**  
13 **with reference to lowest bid or qualified response;**  
14 **decertification; denial of application for residency.**

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1 (a) If a contract is let by the state, any department  
2 thereof, or any county, city, town, school district,  
3 community college district or other public corporation of  
4 the state for the erection, construction, alteration or  
5 repair of any public building, or other public structure,  
6 or for making any addition thereto, or for any public work  
7 or improvements, the contract shall be let, if  
8 advertisement for bids or request for proposal is not  
9 required, to a resident of the state. ~~Unless an alternate~~  
10 ~~design and construction delivery method is used,~~ if  
11 advertisement for bids or request for proposal is required,  
12 the contract shall be let to the responsible certified  
13 resident making the lowest bid if the certified resident's  
14 bid is not more than five percent (5%) higher than that of  
15 the lowest responsible nonresident bidder.

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17 **16-6-707. Construction contract preference**  
18 **requirements; requests for proposals for construction**  
19 **services.**

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21 (a) ~~Excluding contracts for professional services,~~  
22 Construction management and design-build delivery  
23 ~~negotiations~~ contracts by public entities and construction  
24 managers, including contracts for professional services,

1 shall be in accordance with residency and preference  
2 requirements imposed under W.S. 16-6-101 through 16-6-107.  
3 As used in this section, "professional services" includes  
4 preconstruction services or those services exclusively  
5 involved in the project design prior to commencement of  
6 project construction.

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8 **16-6-708. Responsibilities under alternative delivery**  
9 **contracts.**

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11 (a) Any construction manager agent, construction  
12 manager at risk or design-builder contract awarded shall  
13 comply with any reporting and administrative requirements  
14 as required by the public entity of the recipient of a  
15 design, bid and build contract, including retainage,  
16 payment and performance bonding and default of contract.

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18 (b) All contracts let under this section including  
19 subcontractor bids, shall be opened in public following  
20 reasonable public notice.

21

22 **Section 2.** This act is effective July 1, 2010.

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24

(END)