

SENATE FILE NO. SF0018

Competitive bid specification requirements.

Sponsored by: Senator(s) Peterson and Representative(s)
Loucks

A BILL

for

1 AN ACT relating to capital construction; authorizing
2 specification of suggested brands and manufacturers for
3 procurement of furniture and moveable equipment; requiring
4 allowance of substitutions of similar products; and
5 providing for an effective date.

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

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

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

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1 (a) Unless otherwise prohibited by federal law, any
2 funds appropriated or authorized for expenditure for
3 capital construction projects shall be subject to the
4 restrictions of this section which shall be construed where
5 possible as complimentary and consistent with other
6 statutory requirements relating to competitive bidding and
7 contractor preferences. To the extent the restrictions in
8 this section are inconsistent with other state statutes,
9 this section shall supersede all such inconsistent
10 provisions and shall govern. This section shall be applied
11 as follows:

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13 (ii) Unless exempted pursuant to subparagraph
14 (D) of this paragraph, this paragraph shall apply to all
15 construction delivery methods:

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17 (A) The procurement of furniture and
18 movable equipment shall be done by competitive bid based
19 upon either:

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21 (I) ~~Generic~~ Specifications of product;

22 or

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1 (II) Specifications addressing
2 performance standards and functional requirements
3 determined by the agency, ~~but without specification of~~
4 ~~individual brands or manufacturers.~~ The agency may specify
5 suggested individual brands or manufacturers, provided that
6 similar products that meet or exceed specifications and
7 that have been approved by the agency shall be accepted as
8 substitute bid items. Specified products that are not
9 available to any responsible Wyoming resident suppliers
10 shall not be used in any group or package within the bid
11 documents which would exclude responsible resident
12 suppliers from submitting a bid on the final bid package.
13 As used in this subdivision, "agency" means any department,
14 agency or other instrumentality of the state or of a
15 political subdivision of the state to which funds are
16 appropriated or authorized for expenditure for capital
17 construction projects and includes any entity that the
18 agency contracts with to administer or award any bid.
19

1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)