

ENROLLED ACT NO. 70, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to professional services procurement; modifying residency requirements related to the procurement of professional architectural, engineering and land surveying services as specified; providing a definition; modifying applicability of residency requirements; modifying contract requirements as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-1028(a)(i), by creating a new paragraph (vi) and by renumbering (vi) to (vii), 9-2-1031(a) and by creating new subsections (f) and (g) and 9-2-1032 by creating a new subsection (g) are amended to read:

9-2-1028. Definitions.

(a) As used in this act:

(i) "Agency" means any state office, department, board, commission, institution or other operating entity of the state excluding, except as otherwise provided in W.S. 9-2-1031(f) and 9-2-1032(g), the University of Wyoming, community college districts, school districts, the Wyoming business council and the Wyoming department of transportation;

(vi) "Resident firm" means a firm that:

(A) Possesses a physical office within the state that is staffed by individuals with professional and technical expertise who are employed in the state; and

(B) Certifies in the firm's current statement of qualifications or application that if selected for the

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project the percentage of the contract costs for professional services specified in this subparagraph shall be performed by individuals or consultants employed in the state who will perform their labor or professional services provided under the contract within the boundaries of the state. The individuals who will perform the professional services shall possess the professional and technical qualifications necessary to perform the work required by the contract. The following percentages shall apply to this subparagraph:

(I) For any projects with project contract costs in an amount equal to twenty million dollars (\$20,000,000.00) or less - fifty percent (50%) of the contract costs;

(II) For capital construction projects with construction contract costs in an amount greater than twenty million dollars (\$20,000,000.00) but less than forty million dollars (\$40,000,000.00) - forty percent (40%) of the contract costs;

(III) For capital construction projects with construction contract costs in an amount equal to forty million dollars (\$40,000,000.00) or more - thirty percent (30%) of the contract costs.

~~(vi)~~(vii) "This act" means W.S. 9-2-1027 through 9-2-1033.

9-2-1031. Selection procedures.

(a) For each proposed project, the principal representative of the agency for which the project is proposed shall evaluate current statements of qualifications and performance data of firms on file with the department or the

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agency, together with any applications submitted by other qualified firms, and shall select in accordance with subsection (f) of this section not less than three (3) firms considered qualified to perform the required professional services. ~~Consideration in each selection process by the principal representative shall be based upon the ability of professional personnel, past performance, willingness to meet time requirements, location, residency, current and projected work loads, the volume of work previously awarded to the firm by the agency, and the equitable distribution of contracts among qualified firms.~~ The agency shall provide a complete description of the work to the firms selected. These firms shall submit an unpriced proposal to do the work. ~~For purposes of this subsection, residency does not require satisfaction of the elements contained in W.S. 16-6-101(a)(i).~~

(f) Every agency shall base selection of a firm for professional services in accordance with the following:

(i) Except as provided in paragraph (ii) of this subsection, the agency shall select firms that are resident firms as defined by this act. Consideration between these firms shall be based upon:

- (A) The ability of professional personnel;
- (B) Past performance;
- (C) Ability to meet time requirements;
- (D) Location;
- (E) Current and projected work loads;

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(F) The volume of work previously awarded to the firm by the agency;

(G) The equitable distribution of contracts among the firms considered qualified.

(ii) If less than three (3) firms on file, together with any applications submitted for the project, are resident firms as defined by this act or if the resident firms are determined not qualified by the agency, consideration shall be based upon the considerations listed in subparagraphs (i)(A) through (G) of this subsection;

(iii) For purposes of this subsection, agency as defined in this act shall include the University of Wyoming, community college districts, the Wyoming business council and the Wyoming department of transportation when the proposed project is funded in whole or in part with state funds.

(g) The provisions of this section giving preference to resident firms shall not apply to the extent any proposed project will utilize funds, the receipt of which is conditioned to prohibit a residency preference.

9-2-1032. Contract procedure.

(g) Each contract for professional services entered into by an agency shall contain a certification by the resident firm providing professional services that the firm will comply with W.S. 9-2-1028(a)(vi)(B). For purposes of this subsection, agency as defined in this act shall include the University of Wyoming, community college districts, the Wyoming business council and the Wyoming department of transportation when the proposed project is funded in whole or in part with state funds.

ORIGINAL SENATE
FILE NO. SF0074

ENGROSSED

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Section 2. This act shall only apply to the procurement of professional services on or after July 1, 2019.

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk