

ENROLLED ACT NO. 90, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2007 GENERAL SESSION

AN ACT relating to public works contracts; modifying requirements for establishment of residency for vendor preferences; modifying definitions; modifying limitations on subcontracting; modifying preferences; and providing for an effective date.

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

**Section 1.** W.S. 16-6-101(a)(i)(intro), (A), (B), (F), (G), by creating a new subparagraph (H), (ii) and (iii), 16-6-103, 16-6-105(a), 16-6-106 and 16-6-107 are amended to read:

**16-6-101. Definitions.**

(a) As used in this act:

(i) "Resident" means a person, partnership, limited partnership, registered limited partnership, registered limited liability company or corporation certified as a resident by the department of employment prior to bidding upon the contract or responding to a request for proposal, subject to the following criteria: ~~and subject to W.S. 16-6-102(d):~~

(A) Any person who has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal; or

(B) A partnership, ~~or~~ association, ~~each member of which has been a resident of~~ limited partnership, registered limited partnership, registered limited liability company or corporation, each member or shareholder of which has been a resident of the state for

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one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;

(F) A registered limited liability partnership organized under the laws of the state and which maintains its principal office and place of business in the state and each member of which has been a resident of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;  
~~or~~

(G) A limited liability company organized under the laws of the state and which maintains its principal office and place of business in the state and the managing members or the appointed managers of which have been residents of the state for one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal;  
~~or~~ or

(H) A person, partnership, limited partnership, registered limited partnership, registered limited liability company or corporation which has satisfied the following requirements for the period one (1) year or more immediately prior to bidding upon the contract or responding to a request for proposal:

(I) Has continuously maintained an office or place of business within the state; and

(II) Has continuously employed not less than fifteen (15) full-time employees within the state.

(ii) "~~Principal~~Office" and "~~principal~~place of business" ~~shall have the meaning as the department of employment determines, consistent with the purpose of this~~

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~~act, by rule and regulation~~ means a headquarters or administrative center where business activities are conducted or controlled;

(iii) "This act" means W.S. 16-6-101 through ~~16-6-119~~ 16-6-121.

**16-6-103. Limitation on subcontracting by resident contractors.**

A successful resident bidder shall not subcontract more than ~~twenty percent (20%)~~ thirty percent (30%) of the work covered by his contract to nonresident contractors.

**16-6-105. Preference for Wyoming materials and Wyoming agricultural products required in public purchases; exception; cost differential; definition.**

(a) Every board, commission or other governing body of any state institution, and every person acting as purchasing agent for the board, commission or other governing body of any state institution or department, and every county, municipality, school district and community college district, shall prefer in all purchases for supplies, material, agricultural products, equipment, machinery and provisions to be used in the maintenance and upkeep of their respective institutions, supplies, materials, agricultural products, equipment, machinery and provisions produced, manufactured or grown in this state, and supplies, materials, agricultural products, equipment, machinery and provisions supplied by a resident of the state, competent and capable to provide service for the supplies, materials, agricultural products, equipment, machinery and provisions within the state of Wyoming. Preference shall not be granted for articles of inferior quality to those offered by competitors outside of the

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state, but a differential of not to exceed five percent (5%) may be allowed in cost ~~on~~of contracts less than five million dollars (\$5,000,000.00) for the Wyoming materials, supplies, agricultural products, equipment, machinery and provisions of quality equal to those of any other state or country.

**16-6-106. Statement of Wyoming materials preference in requests for bids and proposals.**

All requests for bids and proposals for materials, supplies, agricultural products, equipment, machinery and provisions for the construction, maintenance and upkeep of every state, county, municipal, community college district or school district institution shall contain the words "preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured,~~supplied~~ or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state".

**16-6-107. Wyoming materials preference required in construction or maintenance of public structures; exception; cost differential.**

All public buildings, courthouses, public school buildings, public monuments and other public structures constructed in this state shall be constructed and maintained by materials produced or manufactured in Wyoming if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of not to exceed five percent (5%) may be allowed in cost of contracts less than five million dollars (\$5,000,000.00) for the Wyoming materials of equal quality as against materials from states having or

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enforcing a preference rule against "out-of-state"  
products.

**Section 2.** W.S. 16-6-102(d)(intro), (i)(intro) and  
(A) is repealed.

**Section 3.** This act is effective July 1, 2007.

(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