



HB0050

Government procurement-amendments.

Sponsored By: Joint Appropriations Committee

AN ACT relating to the administration of government; modifying provisions related to procurement and contracting by governmental entities; specifying duties of the state construction department and the University of Wyoming board of trustees; requiring rulemaking; and providing for effective dates.

1/16/2020 Bill Number Assigned
2/7/2020 H Received for Introduction
2/10/2020 H Introduced and Referred to H02 - Appropriations 55-4-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Lindholm, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Yin, Zwonitzer

Nays: Representative(s) Edwards, Gray, Jennings, Styvar

Excused: Representative Greear

Ayes 55 **Nays** 4 **Excused** 1 **Absent** 0 **Conflicts** 0

2/11/2020 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Nicholas, Olsen, Schwartz, Sommers, Walters

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/11/2020 H Placed on General File

HB0050HS001/ADOPTED

Page 14-line 19 Delete line through "state".

Page 22-lines 11 through 18 Delete entirely and Insert:

"Section 3.

(a) The state construction department shall adopt emergency rules necessary to implement this act on or before October 1, 2020 and final rules to implement this act on or before March 1, 2021."

(b) The University of Wyoming board of trustees shall adopt emergency rules necessary to implement this act on or before October 1, 2020 and final rules to implement this act on or before March 1, 2021."

Page 23-line 5 Delete "Sections 3 and" and insert "Section"; delete "are" and insert "is".
NICHOLAS, CHAIRMAN

HB0050HW001/ADOPTED

Page 5-after line 3 Insert:

"(c) Any contract by an agency for a capital construction project in an amount exceeding fifty thousand dollars (\$50,000.00) shall require the approval of the governor or the governor's designee prior to state commitment."

Page 5-line 5 Delete "(c)" and insert "(d)".

Page 5-line 10 Delete "(d)" and insert "(e)".

Page 6-line 1 Delete "(e)" and insert "(f)". LARSEN

2/12/2020 H COW:Passed

HB0050H2001/ADOPTED (CORRECTED COPY)

Page 1-line 2 After "procurement" insert "and contracting".

Page 6-line 4 After "W.S." insert "9-1-403(b)(v) and by creating a new paragraph (viii),".

Page 6-after line 8 Insert:

"9-1-403. State auditor; duties; prohibited acts; powers; investigative subpoenas.

(b) The state auditor shall not draw warrants:

(v) For payment on a contract for professional consultant or other services unless the agency has certified that the contract for the services has been reduced to writing before the services are performed, and that the contract is in compliance with procedures of the attorney general, is approved by the attorney general, and, except for contracts for capital construction projects entered into by an agency under W.S. 9-2-3006 and contracts of twenty thousand dollars (\$20,000.00) or less which are entered into by the office of an elected state official, is filed with and approved by the department of administration and information. For payment on a contract for professional or other services entered into by the department of transportation, filing of the contract with and approval by the department of administration and information and approval by the attorney general is not required, however the attorney general shall first review the contract if the contract is over twenty thousand dollars (\$20,000.00);

(viii) For payment on a contract for capital construction projects entered into by an agency under W.S. 9-2-3006 unless the agency has certified that the contract for the project has been reduced to writing before the contract is performed, that the contract is in compliance with procedures of the attorney general, is approved by the attorney general and is filed with and approved by the state construction department.". LARSEN

HB0050H2002/FAILED

Page 3-line 12 After "website" insert "and in a newspaper of general circulation in the state". LINDHOLM

2/13/2020 H 2nd Reading:Passed

HB0050H3001/FAILED

Page 3-line 13 After "weeks" insert "and at least once in a newspaper printed in the county". HUNT

2/14/2020 H 3rd Reading:Passed 53-7-0-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Brown, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Eyre, Flitner, Freeman, Furphy, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen Lloyd, Laursen Dan, Loucks, Macguire, Miller, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Washut, Western, Wilson, Yin, Zwonitzer

Nays: Representative(s) Edwards, Gray, Jennings, Lindholm, Salazar, Styvar, Winter

Ayes 53 **Nays** 7 **Excused** 0 **Absent** 0 **Conflicts** 0

2/17/2020 S Received for Introduction

2/24/2020 S Introduced and Referred to S02 - Appropriations

2/26/2020 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Bebout, Gierau, Hicks, Kinskey

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/26/2020 S Placed on General File

HB0050SS001/ADOPTED

(TO ENGROSSED COPY)

Page 7-line 8 Strike "twenty thousand dollars".

Page 7-line 9 Strike "\$20,000.00" and insert "twenty-five thousand dollars (\$25,000.00)".

Page 20-line 8 After stricken "and" insert "For any contract for a capital construction project with an estimated value in excess of fifty thousand dollars (\$50,000.00), the board shall"; reinsert stricken "publish a call for bids in a newspaper of general".

Page 20-line 9 Reinsert stricken "circulation in the"; after stricken "state" insert "district"; reinsert stricken "at least once each week for two (2)".

Page 20-line 10 Reinsert all stricken language.

Page 20-line 12 After "9-2-3006" insert "except as provided in this paragraph". HICKS, ACTING CHAIRMAN

2/28/2020 S COW:Passed

3/2/2020 S 2nd Reading:Laid Back

HB0050S2001/ADOPTED

(TO ENGROSSED COPY)

Page 11-line 12 Strike "prior to state commitment" and insert "before the state executes the contract".

Page 11-line 16 Delete "prior to".

Page 11-line 17 Delete "state commitment" and insert "before the state executes the contract".

Page 11-line 22 Delete "prior to state commitment" and insert "before the state executes the contract".

Page 15-line 3 Delete "and" and insert "or".

Page 17-line 12 Delete "and" and insert "or". PERKINS

HB0050S2002/FAILED (TO ENGROSSED COPY)

Page 2-line 9 Delete "fifty thousand dollars (\$50,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 3-line 6 Delete "fifty thousand dollars (\$50,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 4-line 16 After "more" insert "cost".

Page 5-line 3 After "section." insert "The forms shall require, and allow space for, all bidders to disclose and certify, under penalty of perjury, any business connection to any state officer or employee and any familial relationship as spouse, child, sibling or parent residing as a member of the same household in the principal place of residence of any state officer or employee. Information disclosed on a form under this subsection shall not be the determining factor in the bid process.".

Page 5-line 6 Delete "fifty thousand".

Page 5-line 7 Delete "dollars (\$50,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 6-line 13 Delete "(F)," and insert "(E), (viii),".

Page 7-line 8 Delete the Senate standing committee amendment (HB0050SS0001/AE) to this line; strike "twenty thousand dollars".

Page 7-line 9 Delete the Senate standing committee amendment (HB0050SS0001/AE) to this line; strike "(\$20,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 7-line 17 Strike "twenty thousand dollars".

Page 7-line 18 Strike "(\$20,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 9-line 9 Delete "fifteen thousand dollars (\$15,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 10-line 4 Delete "without" and insert "with".

Page 10-line 6 Delete "twenty-five thousand dollars (\$25,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 10-line 14 Delete ", except as otherwise provided in this subparagraph".

Page 10-line 16 Delete "without".

Page 10-line 17 Delete "the approval of the governor or the governor's designee".

Page 10-line 19 Delete "twenty-five thousand dollars (\$25,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 11-line 9 Delete "fifteen thousand dollars".

Page 11-line 10 Delete "(\$15,000.00)" and insert "ten thousand dollars (\$10,000.00)"; reinsert stricken "governor or".

Page 11-line 11 Delete "principal representative or the principal".

Page 11-line 12 Delete "representative's" and insert "the governor's".

Page 11-line 15 Delete "fifteen thousand dollars (\$15,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 11-lines 20 through 22 Delete entirely.

Page 12-line 9 Delete "fifteen thousand dollars (\$15,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 12-lines 13 through 23 Delete entirely.

Page 13-lines 1 through 7 Delete entirely.

Page 13-after line 7 Insert:

"(viii) Supervise and approve disposition by sale or trade-in of all agencies' property which has been deemed to be no longer cost effective to the state. Real property in excess of forty (40) acres in one (1) tract or valued at ~~fifteen thousand dollars (\$15,000.00)~~ten thousand dollars (\$10,000.00) or more shall not be disposed of at less than current appraised value as authorized in accordance with rules of the state building commission. No other property shall be disposed of at less than fair market value either for cash or in exchange for credit upon purchase of new property. All sales shall be public and based upon adequate notice except that state owned motor vehicles may be sold at public or dealer auction and except that for the first thirty (30) days after acquisition, any personal property may be made available to those entities qualifying under federal surplus property guidelines through the state surplus property warehouse. The proceeds of sale, less costs of sale, shall be remitted to the treasurer for the benefit of the fund from which the property was purchased. This paragraph shall not apply to, nor shall the department or the state building commission approve or supervise the disposition of land by the state transportation commission;"

Page 17-line 14 Strike "may" and insert "shall".

Page 19-line 17 Strike "and less".

Page 19-line 18 Strike line through "(\$25,000.00)".

Page 19-line 22 Strike "twenty-five thousand dollars (\$25,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 20-line 8 In the Senate standing committee amendment (HB0050SS0001/AE) to this line, delete "fifty thousand dollars (\$50,000.00)" and insert "ten thousand dollars (\$10,000.00)".

Page 24-after line 4 Insert:
"Section 3. W.S. 9-2-1016(b)(iv)(F) is repealed."

Page 24-line 6 Delete "Section 3." and insert "Section 4.".

Page 24-line 18 Delete "Section 4." and insert "Section 5.".

Page 24-line 21 Delete "Section 5" and insert "Section 6.". JAMES

ROLL CALL

Ayes: Senator(s) Biteman, Bouchard, Case, Hutchings, James, Scott
Nays: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Steinmetz, Von Flatern, Wasserburger
Ayes 6 **Nays** 24 **Excused** 0 **Absent** 0 **Conflicts** 0

HB0050S2003/WITHDRAWN

3/3/2020 S 2nd Reading:Passed

HB0050S3001/ADOPTED

(TO ENGROSSED COPY)

Page 24-line 21 After "Section 5" insert ".".

Page 25-line 2 Delete "July 1, 2020" and insert "October 1, 2020".

Page 25-line 4 Delete "Section 5" and insert "Sections 3 and 5"; delete "is" and insert "are". HICKS

HB0050S3002/FAILED

(TO ENGROSSED COPY)

Page 5-line 3 After "section." insert "The forms shall require, and allow space for, all bidders to disclose and certify, under penalty of perjury, any business connection to any state officer or employee and any familial relationship as spouse, child, sibling or parent residing as a member of the same household in the principal place of residence of any state officer or employee. Information disclosed on a form under this subsection shall not be the determining factor in the bid process.". JAMES

ROLL CALL

Ayes: Senator(s) Biteman, Boner, Bouchard, James, Scott, Steinmetz
Nays: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Von Flatern, Wasserburger

Excused: Senator Hutchings
Ayes 6 **Nays** 23 **Excused** 1 **Absent** 0 **Conflicts** 0

3/4/2020 S 3rd Reading:Passed 24-4-1-0-1

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Case, Coe, Driskill, Ellis, Gierau, Hicks, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Biteman, Bouchard, James, Scott

Excused: Senator Hutchings

Conflicts: Senator Dockstader

Ayes 24 **Nays** 4 **Excused** 1 **Absent** 0 **Conflicts** 1

3/4/2020 H Received for Concurrence

3/5/2020 H Concur:Passed 44-16-0-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Burkhart, Clausen, Connolly, Crank, Dayton-Selman, Duncan, Eklund, Flitner, Freeman, Furphy, Greear, Haley, Henderson, Hunt, Kinner, Kirkbride, Larsen Lloyd, Lindholm, Loucks, Macguire, Newsome, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Pownall, Roscoe, Salazar, Schwartz, Simpson, Sommers, Stith, Sweeney, Tass, Walters, Western, Wilson, Yin, Zwonitzer

Nays: Representative(s) Brown, Burlingame, Clem, Clifford, Edwards, Eyre, Gray, Hallinan, Harshman, Jennings, Laursen Dan, Miller, Piiparinen, Styvar, Washut, Winter

Ayes 44 **Nays** 16 **Excused** 0 **Absent** 0 **Conflicts** 0

3/5/2020 Assigned Number HEA No. 0030

3/6/2020 H Speaker Signed HEA No. 0030

3/6/2020 S President Signed HEA No. 0030

3/10/2020 Governor Signed HEA No. 0030

3/10/2020 Assigned Chapter Number 29

Chapter No. 29 Session Laws of Wyoming 2020