



SF0164

**Public improvement contract requirements-amendments.**

Sponsored By: Senator(s) Boner and Landen and Representative(s) Chadwick

AN ACT relating to cities and towns; amending requirements for contracts for public improvements for municipalities; amending requirements for the purchase or trade of property by cities and towns; amending the guarantees required for public improvement contracts; specifying applicability; and providing for an effective date.

1/23/2023 Bill Number Assigned  
1/24/2023 S Received for Introduction  
1/24/2023 S Introduced and Referred to S07 - Corporations  
1/26/2023 :Refer to S08 - Transportation  
1/31/2023 S08 - Transportation:Recommend Amend and Do Pass 5-0-0-0

**ROLL CALL**

**Ayes:** Senator(s) Boner, Brennan, Furphy, Kolb, Pappas  
**Ayes** 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

1/31/2023 S Placed on General File

**SF0164SS001/ADOPTED**

Page 1-line 4 After "towns;" delete balance of line.

Page 1-line 5 Delete "bid advertisements;"; delete "forms and amounts of".

Page 1-line 7 Delete "making conforming amendments;".

Page 1-lines 12 and 13 Delete entirely and insert:

"Section 1. W.S. 15-1-113(a), (d), (f), (g) and by creating a new subsection (t) is amended to read:".

Pages 2 through 5 Delete entirely.

Page 6-lines 1 through 16 Delete entirely and insert:

"(a) All contracts for any type of public improvement, excluding contracts for professional services or where the primary purpose is emergency work or maintenance, for any city or town or joint powers board wherein at least one (1) member is a municipality shall be advertised for bid or for response if a request for proposal or qualification for construction manager agent, construction manager at risk or design-builder is used, if the estimated cost, including all related costs, exceeds a bid threshold of ~~thirty-five thousand dollars (\$35,000.00)~~ seventy-five thousand dollars (\$75,000.00), except that a contract for the purchase or lease of a new automobile or truck shall be advertised regardless of cost and if there is an automobile or truck for trade-in, it shall be included as a part of the advertisement and bid. The requirements of W.S. 15-1-112(a) do not apply to any city or town trading in an automobile or truck on the purchase of a new automobile or truck.

(d) Every contract shall be executed by the mayor or in his absence or disability, by the president or other presiding officer of the governing body and by the clerk or designee of the governing body. The successful bidder or respondent shall furnish to the city, town or joint powers board a bond or other form of guarantee in accordance with W.S. 16-6-112. A successful bidder shall not be required to furnish a bond or other form of guarantee if the contract is for the purchase or lease of a new automobile or truck that costs less than one hundred thousand dollars (\$100,000.00).

(f) In advertising for any bid, the forms of guarantee required under this section and approved by the city, town or joint powers board shall be specified. In addition, bidders shall be required to accompany each bid with a bid bond or if the bid is one hundred fifty thousand dollars (\$150,000.00) or less, any other form of bid guarantee approved by the city, town or joint powers board, equal to at least five percent (5%) of the total bid amount, with sufficient surety and payable to the city, town or joint powers board. Bidders shall not be required to accompany a bid with a bid bond or other form of bid guarantee if the bid is for the purchase or lease of a new automobile or truck that costs less than one hundred thousand dollars (\$100,000.00). The bid guarantee shall be forfeited as liquidated damages if the bidder, upon the letting of the contract to him, fails to enter into the contract within thirty (30) days after it is presented to him for that purpose or fails to proceed with the performance of the contract. The bid guarantee shall be retained by the city, town or joint powers board until proper bond or other form of security satisfactory to the city, town or joint powers board to secure performance of the contract has been filed and approved. The right to reject any bid is reserved in all bid advertisements. All bids shall be numbered consecutively before they are opened and no further bids may be received after the advertised time of opening bids and any bid is publicly opened. The city, town or joint powers board shall give all persons who desire an opportunity to inspect all bids when they are opened. No bid may be considered unless accompanied by a bid guarantee in the required amount.

(g) No contract for which a bond or other form of financial guarantee approved by the city, town or joint powers board is required or for the purchase or lease of a new automobile or truck that is subject to the advertising requirements of subsection (a) of this section may be assigned or transferred in any manner except by operation of law or consent of the governing body endorsed on the contract. Assignment by any other means renders the contract null and void as to any further performance by the contractor or the assignee, without any act on the part of the city, town or joint powers board. The city, town or joint powers board may at once proceed to relet the contract or may at its discretion proceed to complete the contract as agent at the expense of the contractor and his sureties.

(t) If a city, town or joint powers board is unsuccessful in acquiring a bid as provided by this section, the city, town or joint powers board may proceed to acquire a vehicle or equipment for which the bid was sought through a solicitation process, provided that the cost of vehicle or equipment to be obtained under this subsection shall not exceed two hundred fifty thousand dollars (\$250,000.00).". PAPPAS, ACTING CHAIRMAN

2/2/2023 S COW:Passed  
2/3/2023 S 2nd Reading:Passed  
2/6/2023 S 3rd Reading:Passed 30-0-0-0-1

ROLL CALL

**Ayes:** Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, President Driskill, Rothfuss, Salazar, Schuler, Scott, Steinmetz

**Conflicts:** Senator Dockstader

**Ayes** 30      **Nays** 0      **Excused** 0      **Absent** 0      **Conflicts** 1

2/6/2023      H Received for Introduction  
2/14/2023      H Introduced and Referred to H07 - Corporations  
2/22/2023      H07 - Corporations:Recommend Amend and Do Pass 9-0-0-0-0

**ROLL CALL**

**Ayes:** Representative(s) Chadwick, Haroldson, Harshman, Knapp, Newsome, Olsen, Ottman, Wylie, Yin

**Ayes** 9      **Nays** 0      **Excused** 0      **Absent** 0      **Conflicts** 0

2/22/2023      H Placed on General File

**SF0164HS001/ADOPTED**

**(TO ENGROSSED COPY)**

Page 5-line 22      Delete "July" and insert "April".

Page 6-line 1      Delete "July" and insert "April".

Page 6-line 4      Delete "July" and insert "April". KNAPP, VICE-CHAIRMAN

2/27/2023      H COW:Passed  
2/28/2023      H 2nd Reading:Passed  
3/1/2023      H 3rd Reading:Passed 57-4-1-0-0

**ROLL CALL**

**Ayes:** Representative(s) Allemand, Alired, Andrew, Angelos, Banks, Bear, Berger, Brown, Burkhart, Jr, Chadwick, Chestek, Clouston, Conrad, Crago, Davis, Eklund, Haroldson, Harshman, Henderson, Hornok, Knapp, Larson, Jt, Lawley, Locke, Neiman, Newsome, Nicholas, Niemiec, Northrup, Oakley, Obermueller, O'hearn, Olsen, Ottman, Pendergraft, Penn, Provenza, Rodriguez-Williams, Sherwood, Singh, Slagle, Smith, Stith, Storer, Strock, Styvar, Tarver, Trujillo, Walters, Ward, Washut, Western, Winter, Wylie, Yin, Zwonitzer, Dan, Zwonitzer, Dave

**Nays:** Representative(s) Heiner, Jennings, Larsen, Lloyd, Speaker Sommers

**Excused:** Representative Byron

**Ayes** 57      **Nays** 4      **Excused** 1      **Absent** 0      **Conflicts** 0

3/1/2023      S Received for Concurrence  
3/1/2023      S Concur:Passed 29-0-2-0-0

**ROLL CALL**

**Ayes:** Senator(s) Anderson, Baldwin, Barlow, Biteman, Boner, Bouchard, Brennan, Case, Cooper, Dockstader, Ellis, Furphy, Gierau, Hicks, Hutchings, Ide, Jones, Kinskey, Kolb, Landen, Laursen, Mckeown, Nethercott, Pappas, Rothfuss, Salazar, Schuler, Scott, Steinmetz

**Excused:** Senator(s) French, President Driskill

**Ayes** 29      **Nays** 0      **Excused** 2      **Absent** 0      **Conflicts** 0

3/1/2023      Assigned Number SEA No. 0087  
3/2/2023      S President Signed SEA No. 0087  
3/2/2023      H Speaker Signed SEA No. 0087  
3/9/2023      Governor Signed SEA No. 0087

3/9/2023 Assigned Chapter Number 171

Chapter No. 171 Session Laws of Wyoming 2023