

## HOUSE BILL NO. HB0044

Road and bridge construction-alternative contracting.

Sponsored by: Joint Transportation, Highways & Military  
Affairs Interim Committee

A BILL

for

1 AN ACT relating to highways; providing for the  
2 transportation commission to use alternate contracting  
3 methods as specified; requiring rulemaking; and providing  
4 for effective dates.

5

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

7

8 **Section 1.** W.S. 24-2-108 is amended to read:

9

10 **24-2-108. Road and bridge construction; professional**  
11 **services procurement.**

12

13 (a) All road and bridge construction work, any part  
14 of the cost of which is paid from the state highway fund,  
15 shall be performed in accordance with the plans and

1 specifications prepared by the director of the department  
2 of transportation or the chief engineer and approved by the  
3 commission, and shall be performed by or under contracts  
4 awarded by the commission. The director with the assistance  
5 of the chief engineer shall have complete charge, including  
6 expenditures for roads now in existence, or in the future  
7 to be constructed, which are part of state highway systems  
8 which are located within or partially within the national  
9 forests' boundaries. Except as specified under subsection  
10 (c) of this section, all improvements costing more than two  
11 hundred seventy-five thousand dollars (\$275,000.00) shall  
12 be constructed under contracts awarded after public notice  
13 to the lowest responsible bidder determined qualified by  
14 the transportation commission of Wyoming which is given the  
15 power to determine the qualifications and responsibilities  
16 of bidders. The commission may reject any or all bids and  
17 readvertise for bids. Improvements costing sixty thousand  
18 dollars (\$60,000.00) or less may be constructed by the  
19 commission upon force account, with its own forces or under  
20 contract, as the commission shall determine. A state  
21 highway construction job to be completed within any  
22 calendar year period and to cost more than sixty thousand  
23 dollars (\$60,000.00) shall not be constructed by department

1 of transportation forces in sections or parcels so as to  
2 come within the sixty thousand dollars (\$60,000.00)  
3 limitation. Contracts may be entered into with railroad  
4 companies for the construction of grade separation  
5 structures at actual cost under terms and conditions  
6 approved by the commission. Whenever an emergency arises  
7 requiring immediate expenditure of funds for the repair or  
8 rebuilding of bridges, approaches to bridges and any  
9 roadway, when the bridges, approaches to bridges or roadway  
10 are required to be rebuilt immediately and in such short  
11 time that in the judgment of the commission the people  
12 would be seriously inconvenienced in waiting the regular  
13 period for advertising for bids, the commission may enter  
14 into contract for any building or rebuilding of bridges,  
15 approaches or roadway without advertising for the letting  
16 of any contract, provided the amount of the contract shall  
17 not exceed one million dollars (\$1,000,000.00) and provided  
18 the commission requests proposals from at least two (2)  
19 contractors capable of performing the emergency  
20 construction or repair, except as specified under  
21 subsection (c) of this section. The commission shall adopt  
22 general rules and regulations for the publication of notice

1 to bidders, the awarding of contracts, and for determining  
2 the qualifications and responsibilities of bidders.

3

4 (b) The commission shall procure the professional  
5 services of architects, engineers and surveyors in  
6 accordance with W.S. 9-23-105(f) through (h) and  
7 9-23-106(g), except as specified under subsection (c) of  
8 this section.

9

10 (c) As authorized by W.S. 16-6-702(c) and  
11 notwithstanding W.S. 16-6-706 the commission may use  
12 alternate design and construction delivery methods as  
13 defined in W.S. 16-6-701. Subsections (a) and (b) of this  
14 section do not apply to any road and bridge construction  
15 work any part of the cost of which work is paid from the  
16 state highway fund and that is using an alternate design  
17 and construction delivery method as defined in W.S.  
18 16-6-701.

19

20 **Section 2.** On or before October 1, 2023 the  
21 transportation commission shall adopt rules necessary to  
22 implement this act.

23

1           **Section 3.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective October 1, 2023.

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6           (b) Sections 2 and 3 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

11

(END)