

SENATE FILE NO. SF0164

Public improvement contract requirements-amendments.

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

A BILL

for

1 AN ACT relating to cities and towns; amending requirements
2 for contracts for public improvements for municipalities;
3 amending requirements for the purchase or trade of property
4 by cities and towns; removing publication requirements for
5 bid advertisements; amending the forms and amounts of
6 guarantees required for public improvement contracts;
7 making conforming amendments; specifying applicability; and
8 providing for an effective date.

9

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

11

12 **Section 1.** W.S. 15-1-113(a), (b), (e) and (f) is
13 amended to read:

14

15 **15-1-113. Contracts for public improvements.**

1

2 (a) All contracts for any type of public improvement,
3 excluding contracts for professional services or where the
4 primary purpose is emergency work or maintenance, for any
5 city or town or joint powers board wherein at least one (1)
6 member is a municipality shall be ~~advertised~~solicited for
7 ~~bid~~quote or for response if a request for proposal or
8 qualification for construction manager agent, construction
9 manager at risk or design-builder is used, if the estimated
10 cost, including all related costs, exceeds a ~~bid~~quote
11 threshold of ~~thirty-five thousand dollars (\$35,000.00),~~
12 ~~except that a contract for the purchase or lease of a new~~
13 ~~automobile or truck shall be advertised regardless of cost~~
14 ~~and if there is an automobile or truck for trade in, it~~
15 ~~shall be included as a part of the advertisement and bid~~
16 two hundred fifty thousand dollars (\$250,000.00). The
17 requirements of W.S. 15-1-112(a) do not apply to any city
18 or town trading in ~~an automobile or truck~~any property on
19 the purchase of ~~a new automobile or truck~~substantially
20 similar property to that being traded in.

21

22 (b) ~~The advertisement shall be published on two (2)~~
23 ~~different occasions, at least seven (7) days apart, in a~~

1 ~~newspaper having general circulation in the city or town,~~
2 ~~or if a joint powers board in any city or town which is a~~
3 ~~member of the board~~ Except as otherwise provided in this
4 subsection, the solicitation for quotes for contracts under
5 this section shall seek not less than three (3) quotes from
6 qualified contractors in writing and shall accept quotes by
7 physical or electronic delivery. The solicitation for
8 quotes shall describe the personal property to be purchased
9 or the services to be provided under the contract for
10 public improvements in sufficient detail to allow a
11 contractor to understand what the city or town is seeking
12 to procure through the solicitation. The ~~published~~
13 solicitation notice shall state the place, date and time
14 when the ~~bids~~ quotes or proposals will be received and ~~bids~~
15 quotes will be publicly opened and the place where
16 interested persons may obtain complete specifications of
17 work to be performed. If a city, town or joint powers board
18 determines that it is impractical or impossible to obtain
19 at least three (3) quotes, the city, town or joint powers
20 board may enter into a contract in any manner the city,
21 town or joint powers board deems best with a qualified
22 contractor that quotes the lowest price. When less than
23 three (3) quotes are considered, the city, town or joint

1 powers board shall document a description of the efforts
2 taken to procure at least three (3) quotes. The documented
3 description shall be maintained in the records of the city,
4 town or joint powers board for not less than six (6) months
5 after the purchase, lease or contract.

6
7 (e) Before ~~advertising~~soliciting for a ~~bid~~quote for
8 any work on the construction of any public improvements and
9 except as provided under W.S. 16-6-707 for alternate design
10 and construction delivery methods, detailed plans and
11 specifications shall be prepared, together with an estimate
12 of the probable cost and a form of the proposed contract.
13 A city, town or joint powers board may withhold a
14 percentage of the calculated value of any work completed as
15 retainage in accordance with W.S. 16-6-702(b). No progress
16 payment may be made until the city or town engineer or
17 designated local official has furnished the estimate,
18 together with a certificate that the amount of work
19 estimated to have been done conforms in all material
20 respects with the requirements of the contract. A joint
21 powers board may designate an official of any member city
22 or town to perform the functions required by this
23 subsection.

1

2 (f) In ~~advertising for~~ soliciting any ~~bid~~ quote, the
3 forms of guarantee required under this section and approved
4 by the city, town or joint powers board shall be specified.

5 A city, town or joint powers board may require an
6 irrevocable letter of credit, performance bond, payment of
7 bond or any other bond or combination thereof for a quote
8 that does not exceed two hundred fifty thousand dollars
9 (\$250,000.00). In addition, bidders shall be required to

10 accompany each ~~bid~~ quote with a ~~bid~~ quote bond, deemed
11 appropriate by the city, town or joint powers board a
12 irrevocable letter of credit, a bond deemed appropriate by
13 the city, town or joint powers board or a combination
14 thereof or, if the ~~bid is one hundred fifty thousand~~
15 ~~dollars (\$150,000.00) or less~~ quote exceeds two hundred
16 fifty thousand dollars (\$250,000.00), any other form of ~~bid~~

17 guarantee approved by the city, town or joint powers board,
18 equal to at least five percent (5%) of the total ~~bid~~ quote
19 amount, with sufficient surety and payable to the city,
20 town or joint powers board. The ~~bid~~ guarantee shall be
21 forfeited as liquidated damages if the ~~bidder~~ person
22 providing the quote, upon the letting of the contract to
23 him, fails to enter into the contract within thirty (30)

1 days after it is presented to him for that purpose or fails
2 to proceed with the performance of the contract. The ~~bid~~
3 guarantee shall be retained by the city, town or joint
4 powers board until proper bond or other form of security
5 satisfactory to the city, town or joint powers board to
6 secure performance of the contract has been filed and
7 approved. The right to reject any ~~bid~~quote is reserved.
8 ~~in all bid advertisements.~~—All ~~bids~~quotes ids shall be
9 numbered consecutively before they are opened and no
10 further ~~bids~~quotes may be received after the advertised
11 time of opening ~~bids~~quotes and any ~~bid~~quote is publicly
12 opened. The city, town or joint powers board shall give
13 all persons who desire an opportunity to inspect all ~~bids~~
14 quotes when they are opened. No ~~bid~~quote may be
15 considered unless accompanied by a ~~bid~~quote guarantee in
16 the required amount.

17

18 **Section 2.** This act shall apply to all solicitations
19 for contracts, purchases or leases initiated on and after
20 July 1, 2023. Nothing in this act shall be construed to
21 impair any contract or agreement entered into before July
22 1, 2023.

23

1 **Section 3.** This act is effective July 1, 2023.

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(END)