

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Resident contractor preference law.

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to construction contracts with public
2 entities; clarifying application of preference requirements
3 to specified construction project delivery methods;
4 requiring bids to be open in public; and providing for an
5 effective date.

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

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9 **Section 1.** W.S. 16-6-102(a), 16-6-103 and 16-6-707(a)
10 are amended to read:

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12 **16-6-102. Resident contractors; preference limitation**
13 **with reference to lowest bid or qualified response;**
14 **decertification; denial of application for residency.**

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2 (a) If a contract is let by the state, any department
3 thereof, or any county, city, town, school district,
4 community college district or other public corporation of
5 the state for the erection, construction, alteration or
6 repair of any public building, or other public structure,
7 or for making any addition thereto, or for any public work
8 or improvements, the contract shall be let, if
9 advertisement for bids or request for proposal is not
10 required, to a resident of the state. ~~Unless an alternate~~
11 ~~design and construction delivery method is used,~~ All bids
12 let under this subsection including subcontractor bids,
13 shall be opened in public following reasonable public
14 notice. If advertisement for bids, request for
15 qualifications or request for proposal is required, the
16 contract shall be let to the responsible certified resident
17 making the lowest bid if the certified resident's bid is
18 not more than five percent (5%) higher than that of the
19 lowest responsible nonresident bidder.

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21 **16-6-103. Limitation on subcontracting by resident**
22 **contractors.**

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1 A successful resident bidder shall not subcontract more
2 than thirty percent (30%) of the monetary value of work
3 covered by his contract to nonresident contractors.

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5 **16-6-707. Construction contract preference**
6 **requirements; requests for proposals for construction**
7 **services.**

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9 (a) ~~Excluding contracts for professional services,~~
10 Construction management and design-build delivery
11 ~~negotiations~~ contracts by public entities and construction
12 managers, including contracts for professional services,
13 shall be in accordance with residency and preference
14 requirements imposed under W.S. 16-6-101 through 16-6-107.
15 As used in this section, "professional services" includes
16 preconstruction services or those services exclusively
17 involved in the project design prior to commencement of
18 project construction.

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20 **Section 2.** This act is effective July 1, 2010.

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(END)