

ORIGINAL HOUSE
BILL NO. HB0052

ENROLLED ACT NO. 40, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to public works and contracts; modifying requirements for the procurement of furniture and movable equipment in capital construction projects; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 16-6-1001(a)(ii)(A) and (D) is amended to read:

16-6-1001. Capital construction projects restrictions; preference requirements; waivers.

(a) Unless otherwise prohibited by federal law, any funds appropriated or authorized for expenditure for capital construction projects shall be subject to the restrictions of this section which shall be construed where possible as complimentary and consistent with other statutory requirements relating to competitive bidding and contractor preferences. To the extent the restrictions in this section are inconsistent with other state statutes, this section shall supersede all such inconsistent provisions and shall govern. This section shall be applied as follows:

(ii) Unless exempted pursuant to subparagraph (D) of this paragraph, this paragraph shall apply to all construction delivery methods:

(A) The procurement of furniture and movable equipment shall be done by competitive bid based upon ~~either:~~

(I) Specifications of product written for products that are available from Wyoming resident suppliers; or

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(II) If specified products are not available from any Wyoming resident supplier, specifications addressing performance standards and functional requirements determined by the agency. The agency may specify suggested individual brands or manufacturers, provided that similar products that meet or exceed specifications ~~and that have been approved by the agency~~ shall be accepted as substitute ~~bid items~~ products. Specified products that are not available to any responsible Wyoming resident suppliers shall not be used in any group or package within the bid documents which would exclude responsible Wyoming resident suppliers from submitting a bid on the final bid package. As used in this subdivision, "agency" means any department, agency or other instrumentality of the state or of a political subdivision of the state to which funds are appropriated or authorized for expenditure for capital construction projects and includes any entity that the agency contracts with to administer or award any bid.

(D) The requirements of subparagraph (A) ~~or (B)~~ of this paragraph may be waived by a political subdivision of the state for furniture or movable equipment upon a written determination that the furniture or movable equipment requirements of the project are so specialized or that an item or type of furniture or movable equipment is so unique or uncommon that failure to waive the requirements would materially impair the functionality of the project. Waivers under this subparagraph shall be approved by the ~~persons listed in subparagraph (a)(i)(D) of this section and are subject to subparagraph (a)(i)(E) of this section~~ governing body of the political subdivision.

Section 2. This act shall only apply to the procurement of products on or after July 1, 2019.

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Section 3. This act is effective July 1, 2019.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk