

HOUSE BILL NO. HB0251

Taxpayer protection act.

Sponsored by: Representative(s) Gray and Piiparinen

A BILL

for

1 AN ACT relating to administration of government;  
 2 prohibiting the use of bid waivers for a portion of agency  
 3 budgets as specified; providing for an investigation into  
 4 agencies as specified; providing for suspension of an  
 5 agency director pending the outcome of an investigation;  
 6 authorizing a taxpayer to compel an investigation; and  
 7 providing for an effective date.

8

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

10

11 **Section 1.** W.S. 9-2-1016(b)(iv)(B), (C) and by  
 12 creating new subsections (m) and (n) is amended to read:

13

14 **9-2-1016. General services division.**

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1           (b) For the purpose of this subsection the term  
2 "agencies" does not include the University of Wyoming,  
3 community college districts, or school districts. It does  
4 not include the department of transportation except as to  
5 paragraphs (xi), (xii) and (xiii) of this subsection. The  
6 department through the general services division shall:

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8           (iv) Adopt standard forms and procedures  
9 providing that bids or contracts for supplies or services  
10 shall be awarded through the use of competitive sealed  
11 bidding, competitive negotiation, noncompetitive  
12 negotiation or small purchase procedures as hereafter  
13 provided:

14  
15           (B) Whenever the administrator determines  
16 in writing that the use of competitive sealed bidding is  
17 not feasible or practical, contracts for supplies or  
18 services may be made by competitive negotiation. Not more  
19 than two percent (2%) of agency's budget for contractual  
20 services, consulting services and special project services  
21 shall be made by competitive negotiation or noncompetitive  
22 negotiation under this subparagraph or subparagraph (C) of  
23 this paragraph. An elected state official may also contract

1 for supplies or services for his office by competitive  
2 negotiation if the contract is for twenty thousand dollars  
3 (\$20,000.00) or less and he determines that the use of  
4 competitive sealed bidding is not feasible or practical;

5

6 (C) Contracts may be made by noncompetitive  
7 negotiation only when competition is not feasible, as  
8 determined in writing prior to award by the administrator  
9 and approved by the governor or his designee. Not more than  
10 two percent (2%) of agency's budget for contractual  
11 services, consulting services and special project services  
12 shall be expended under a contract let through competitive  
13 negotiation or noncompetitive negotiation under this  
14 subparagraph or subparagraph (B) of this paragraph. An  
15 elected state official may also contract for supplies or  
16 services for his office by noncompetitive negotiation if  
17 the contract is for twenty thousand dollars (\$20,000.00) or  
18 less and he determines that competition is not feasible;

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20 (m) If the general services division determines in  
21 any fiscal biennium that more than two percent (2%) of an  
22 agency's budget for contractual services, consulting  
23 services and special projects and services was contracted

1 in violation of subparagraphs (b)(iv)(B) and (C) of this  
2 section, the general services division shall notify the  
3 budget division which shall conduct an investigation into  
4 the agency with the department of audit as provided in W.S.  
5 9-2-1004(a)(iii). The director of any agency under  
6 investigation pursuant to this subsection shall be  
7 suspended pending the outcome of the investigation. The  
8 budget division shall report the results of the  
9 investigation to the governor and the attorney general.

10  
11 (n) A taxpayer of this state may compel the  
12 enforcement of subsection (m) of this section in an action  
13 brought in district court. In the event judicial  
14 enforcement is necessary, the taxpayer shall be awarded  
15 court costs, including reasonable attorney's fees.

16  
17 **Section 2.** This act is effective July 1, 2017.

18  
19 (END)