

HB0108HW002

- 1 Page 1-line 2 After "definitions;" insert "modifying
2 language for consistency;"
3
- 4 Page 1-line 10 After "(viii)," insert "16-6-102(a),"
5
- 6 Page 1-line 11 After "(i)" delete balance of the line and
7 insert "(ii), (iv) and (b), 16-6-113 through".
8
- 9 Page 1-line 12 After "16-6-117" insert ", 16-6-121(a)"
10
- 11 Page 2-after line 9 Insert:
12
- 13 **"16-6-102. Resident contractors; preference limitation with
14 reference to lowest bid or qualified response; decertification;
15 denial of application for residency.**
16
- 17 (a) If a contract is let by the state, any department
18 thereof, or any county, city, town, school district, community
19 college district, political subdivision of the state or other
20 public corporation of the state for the construction, major
21 maintenance or renovation of any public building, or other public
22 structure, or for making any addition thereto, or for any public
23 work or improvements, the contract shall be let, if advertisement
24 for bids or request for proposal is not required, to a resident of
25 the state. If advertisement for bids is required, the contract
26 shall be let to the responsible certified resident making the
27 lowest bid if the certified resident's bid is not more than five
28 percent (5%) higher than that of the lowest responsible nonresident
29 bidder."
30
- 31 Page 2-line 18 After "community college" insert ", a public
32 corporation".
33
- 34 Page 3-line 1 Strike "any political subdivision" and insert
35 "entity".
36
- 37 Page 3-line 4 Strike "political".
38
- 39 Page 3-line 5 Strike "subdivision" and insert "appropriate
40 entity".
41
- 42 Page 3-line 10 Strike "any political subdivision" and insert
43 "appropriate entity"
44

1 Page3-after line 21 Insert:
2

3 "(iv) Approved by and filed with the appropriate
4 officer, agent or other designee of the state or ~~governing body of~~
5 ~~the political subdivision~~ appropriate entity.
6

7 (b) A bond or other guarantee satisfactory to the state or
8 ~~political subdivision~~ appropriate entity, as the case may be, shall
9 include the obligations specified under subsection (a) of this
10 section even though not expressly written into the guarantee.
11

12
13 **16-6-113. Contractor's bond or other guarantee; right of**
14 **action; notice to obligee; intervention by interested parties; pro**
15 **rata distribution.**
16

17 Any person entitled to the protection of a bond or other form of
18 guarantee approved by the state or ~~any political subdivision~~ entity
19 under W.S. 16-6-112, may maintain an action for the amount due
20 him. He shall notify the obligee named in the bond or other
21 guarantee of the beginning of the action, giving the names of the
22 parties, describing the guarantee and stating the amount and nature
23 of his claim. No judgment shall be entered in the action within
24 thirty (30) days after the giving of the notice. The obligee or
25 any person having a cause of action may on his motion, be admitted
26 as a party to the action. The court shall determine the rights of
27 all parties to the action. If the amount realized on the bond or
28 other guarantee is insufficient to discharge all claims in full,
29 the amount shall be distributed among the parties pro rata.
30

31 **16-6-114. Contractor's bond or other guarantee; requiring**
32 **new or additional bond or other guarantee; failure to furnish.**
33

34 If in its judgment any of the sureties on a bond or other form of
35 guarantee approved by the state or ~~any political subdivision~~ entity
36 under W.S. 16-6-112 are insolvent or for any cause are no longer
37 proper or sufficient sureties, the obligee may within ten (10)
38 days require the contractor to furnish a new or additional bond or
39 other approved guarantee. If ordered by the obligee, all work on
40 the contract shall cease until a new or additional bond or other
41 guarantee is furnished. If the guarantee is not furnished within
42 ten (10) days, the obligee may at its option ~~determine~~ terminate
43 the contract and complete the contract as the agent and at the
44 expense of the contractor and his sureties."
45

46 Page 4-line 5 Strike "political".
47

1 Page 4-line 6 Strike "subdivision" and insert "entity".

2
3 Page 6-line 8 After "college" insert ", political
4 subdivision"

5
6 Page 7-after line 11 insert:

7
8 **"16-6-121. Notice required to receive protection under a**
9 **bond or guarantee; limitation; notice required by owner in project**
10 **specifications.**

11
12 (a) Any subcontractor or materialman entitled to the
13 protection of a bond or other form of guarantee approved by the
14 state or ~~any political subdivision~~ entity under W.S. 16-6-112 shall
15 give notice of his right to that protection to the prime
16 contractor. Failure to give notice to a prime contractor who has
17 complied with subsections (f) and (g) of this section waives the
18 subcontractor or materialman's protection under the bond or
19 guarantee and waives any right to a lien for materials or services
20 provided.". MACGUIRE, LARSEN