

Sponsored By: Senator(s) Case, Anselmi-Dalton, Kinskey and Pappas and Representative(s) Loucks and Sommers

AN ACT relating to professional services procurement; modifying residency requirements related to the procurement of professional architectural, engineering and land surveying services as specified; providing a definition; modifying applicability of residency requirements; modifying contract requirements as specified; and providing for an effective date.

1/9/2019 Bill Number Assigned
 1/10/2019 S Received for Introduction
 1/10/2019 S Introduced and Referred to S02 - Appropriations
 1/15/2019 S02 - Appropriations:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Bebout, Gierau, Hicks, Kinskey
Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0

1/15/2019 S Placed on General File
 1/16/2019 S COW:Laid Back

SF0074SS001/ADOPTED

Page 1-line 4 After "services" insert "as specified"; delete "providing applicability" and insert "modifying applicability of residency requirements".
 Page 1-line 9 After "9-2-1028(a)" insert "(i) and".
 Page 1-line 10 After "9-2-1031(a)" insert "and by creating a new subsection (f)".
 Page 1-after line 15 Insert:
 "(i) "Agency" means any state office, department, board, commission, institution or other operating entity of the state excluding, except as otherwise provided in W.S. 9-2-1031(f), the University of Wyoming, community college districts, school districts, the Wyoming business council and the Wyoming department of transportation;".
 Page 2-line 9 Delete "the firm will perform".
 Page 2-line 10 After "contract" insert "costs"; delete "using" and insert "shall be performed by".
 Page 2-line 11 Delete "contractors" and insert "consultants".
 Page 2-lines 18 through 23 Delete entirely.
 Page 3-lines 1 through 14 Delete entirely and insert:
 "(a) For each proposed project, the principal representative of the agency for which the project is proposed shall evaluate current statements of qualifications and performance data of firms on file with the department or the agency, together with any applications submitted by other qualified firms, and shall select in accordance with subsection (f) of this section not less than three (3) firms considered qualified to perform the required professional services. ~~Consideration in each selection process by the principal representative shall be based upon the ability of professional personnel, past performance, willingness to meet time requirements, location, residency, current and projected work loads, the volume of work previously awarded to the firm by the agency, and the equitable distribution of contracts among qualified firms.~~—The agency shall provide a complete description of the work to the firms selected. These firms shall submit an unpriced proposal to do the work. For

~~purposes of this subsection, residency does not require satisfaction of the elements contained in W.S. 16-6-101(a)(i).~~

(f) Every agency shall base selection of a firm for professional services in accordance with the following:

(i) Except as provided in paragraph (ii) of this subsection, the agency shall select firms that are resident firms as defined by this act. Consideration between these firms shall be based upon:

(A) The ability of professional personnel;

(B) Past performance;

(C) Willingness to meet time requirements;

(D) Location;

(E) Current and projected work loads;

(F) The volume of work previously awarded to the firm by the agency;

(G) The equitable distribution of contracts among the firms considered qualified.

(ii) If less than three (3) firms on file, together with any applications submitted for the project, are resident firms as defined by this act, consideration shall be based upon the considerations listed in subparagraphs (i)(A) through (G) of this subsection together with residency as an additional consideration;

(iii) For purposes of this subsection, agency as defined in this act shall include the University of Wyoming, community college districts, school districts, the Wyoming business council and the Wyoming department of transportation when the proposed project is funded in whole or in part with state funds." BEBOUT, CHAIRMAN

SF0074SW001/ADOPTED

Page 3-lines 1 through 14 In the Senate standing committee amendment (SF0074SS001/A) to these lines, in paragraph (f)(iii) created by that amendment, after "proposed project" insert "does not include federal funds and". VON FLATERN

1/18/2019 S COW:Passed

1/22/2019 S 2nd Reading:Laid Back

SF0074S2001/ADOPTED (CORRECTED COPY)

Delete the Senate committee of the whole amendment (SF0074SW001/A) entirely.

Page 1-line 10 In the Senate standing committee amendment (SF0074SS001/A) to this line, delete "a new subsection (f)" and insert "new subsections (f) and (g)".

Page 3-lines 1 through 14 In the Senate standing committee amendment (SF0074SS001/A) to these lines, after paragraph (f)(iii) created by that amendment, insert:

"(g) The provisions of this section giving preference to resident firms shall not apply to the extent any proposed project will utilize funds, the receipt of which is conditioned to prohibit a residency preference." VON FLATERN

1/23/2019 S 2nd Reading:Passed

1/24/2019 S 3rd Reading:Passed 28-0-2-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks,

Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern

Excused: Senator(s) Perkins, Wasserburger

Ayes 28 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

1/28/2019 H Received for Introduction
2/6/2019 H Introduced and Referred to H02 - Appropriations
2/15/2019 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Nicholas, Olsen, Schwartz, Sommers, Walters

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2019 H Placed on General File

**(TO ENGROSSED COPY)
(CORRECTED COPY)**

Page 1-line 5 After "requirements;" insert "modifying contract requirements as specified;".

Page 1-line 11 After "(vii)" delete "and" and insert ",".

Page 1-line 12 After "(g)" insert "and 9-2-1032 by creating a new subsection (g)".

Page 2-line 7 After "9-2-1031(f)" insert "and 9-2-1032(g)".

Page 2-line 14 Delete "persons" and insert "individuals with professional and technical expertise who are".

Page 2-lines 16 through 20 Delete entirely and insert:
 "(B) Certifies in the firm's current statement of qualifications or application that if selected for the project the percentage of the contract costs for professional services specified in this subparagraph shall be performed by individuals or consultants employed in the state who will perform their labor or professional services provided under the contract within the boundaries of the state. The individuals who will perform the professional services shall possess the professional and technical qualifications necessary to perform the work required by the contract. The following percentages shall apply to this subparagraph:
 (I) For any projects with project contract costs in an amount equal to twenty million dollars (\$20,000,000.00) or less - fifty percent (50%) of the contract costs;
 (II) For capital construction projects with construction contract costs in an amount greater than twenty million dollars (\$20,000,000.00) but less than forty million dollars (\$40,000,000.00) - forty percent (40%) of the contract costs;
 (III) For capital construction projects with construction contract costs in an amount equal to forty million dollars (\$40,000,000.00) or more - thirty percent (30%) of the contract costs.".

Page 4-line 13 Delete "Willingness" and insert "Ability".

Page 5-line 4 After "act" insert "or if the resident firms are determined not qualified by the agency".

Page 5-line 6 After "subsection" insert ";" and delete balance of line.

Page 5-line 7 Delete entirely.

Page 5-after line 19 Insert:
 "**9-2-1032. Contract procedure.**
 (g) Each contract for professional services entered into by an agency shall contain a certification by the resident firm providing professional services that the firm will comply with W.S. 9-2-1028(a)(vi)(B). For purposes

of this subsection, agency as defined in this act shall include the University of Wyoming, community college districts, school districts, the Wyoming business council and the Wyoming department of transportation when the proposed project is funded in whole or in part with state funds.". NICHOLAS, CHAIRMAN

2/20/2019 H COW:Passed
2/21/2019 H 2nd Reading:Passed
2/22/2019 H 3rd Reading:Laid Back

SF0074H3001/ADOPTED (TO ENGROSSED COPY)

Page 5-line 11 Delete "school districts".
Page 5-after line 19 In the House standing committee amendment (SF0074HS001/AE) to this line, in subsection (g) created by that amendment, delete "school districts".
LARSEN

2/25/2019 H 3rd Reading:Passed 55-4-1-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Blackburn, Blake, Burkhart, Burlingame, Clausen, Clem, Clifford, Connolly, Crank, Dayton-Selman, Duncan, Edwards, Eklund, Eyre, Flitner, Freeman, Furphy, Gray, Greear, Haley, Hallinan, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Newsome, Nicholas, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Roscoe, Salazar, Simpson, Sommers, Stith, Styvar, Sweeney, Tass, Walters, Washut, Western, Wilson, Winter, Zwonitzer

Nays: Representative(s) Brown, Miller, Schwartz, Yin

Excused: Representative Northrup

Ayes 55 Nays 4 Excused 1 Absent 0 Conflicts 0

2/26/2019 S Received for Concurrence
2/26/2019 S Concur:Failed 1-27-2-0-0

ROLL CALL

Ayes: Senator Case

Nays: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Coe, Dockstader, Driskill, Ellis, Gierau, Hicks, Hutchings, James, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Rothfuss, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Excused: Senator(s) Agar, Kinskey

Ayes 1 Nays 27 Excused 2 Absent 0 Conflicts 0

2/26/2019 S Appointed JCC01 Members
Senator(s) Case, Pappas, Schuler
2/26/2019 H Appointed JCC01 Members
Representative(s) Larsen, Brown, Loucks
2/26/2019 S Concur:Recede from Non-Concurrence pursuant to JR 2-4 Passed by
Roll Call 23-2-5-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Bouchard, Case, Coe, Dockstader, Ellis, Gierau, Hicks, Hutchings, James, Kost, Landen, Moniz, Pappas, Perkins, Schuler, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Biteman, Scott

Excused: Senator(s) Agar, Driskill, Kinskey, Nethercott, Rothfuss

Ayes 23 Nays 2 Excused 5 Absent 0 Conflicts 0

2/26/2019 Assigned Number SEA No. 0070
2/27/2019 S President Signed SEA No. 0070
2/27/2019 H Speaker Signed SEA No. 0070
3/8/2019 Governor Signed SEA No. 0070
3/8/2019 Assigned Chapter Number 185

Chapter No. 185 Session Laws of Wyoming 2019