

ORIGINAL HOUSE
BILL NO. HB0044

ENROLLED ACT NO. 42, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2023 GENERAL SESSION

AN ACT relating to highways; providing for the transportation commission to use alternate contracting methods as specified; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 24-2-108 is amended to read:

24-2-108. Road and bridge construction; professional services procurement.

(a) All road and bridge construction work, any part of the cost of which is paid from the state highway fund, shall be performed in accordance with the plans and specifications prepared by the director of the department of transportation or the chief engineer and approved by the commission, and shall be performed by or under contracts awarded by the commission. The director with the assistance of the chief engineer shall have complete charge, including expenditures for roads now in existence, or in the future to be constructed, which are part of state highway systems which are located within or partially within the national forests' boundaries. Except as specified under subsection (c) of this section, all improvements costing more than two hundred seventy-five thousand dollars (\$275,000.00) shall be constructed under contracts awarded after public notice to the lowest responsible bidder determined qualified by the transportation commission of Wyoming which is given the power to determine the qualifications and responsibilities of bidders. The commission may reject any or all bids and readvertise for bids. Improvements costing sixty thousand dollars (\$60,000.00) or less may be constructed by the commission upon force account, with its own forces or under contract, as the commission shall determine. A state

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highway construction job to be completed within any calendar year period and to cost more than sixty thousand dollars (\$60,000.00) shall not be constructed by department of transportation forces in sections or parcels so as to come within the sixty thousand dollars (\$60,000.00) limitation. Contracts may be entered into with railroad companies for the construction of grade separation structures at actual cost under terms and conditions approved by the commission. Whenever an emergency arises requiring immediate expenditure of funds for the repair or rebuilding of bridges, approaches to bridges and any roadway, when the bridges, approaches to bridges or roadway are required to be rebuilt immediately and in such short time that in the judgment of the commission the people would be seriously inconvenienced in waiting the regular period for advertising for bids, the commission may enter into contract for any building or rebuilding of bridges, approaches or roadway without advertising for the letting of any contract, provided the amount of the contract shall not exceed one million dollars (\$1,000,000.00) and provided the commission requests proposals from at least two (2) contractors capable of performing the emergency construction or repair, except as specified under subsection (c) of this section. The commission shall adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts, and for determining the qualifications and responsibilities of bidders.

(b) The commission shall procure the professional services of architects, engineers and surveyors in accordance with W.S. 9-23-105(f) through (h) and 9-23-106(g), except as specified under subsection (c) of this section.

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(c) As authorized by W.S. 16-6-702(c) and notwithstanding W.S. 16-6-706 the commission may use alternate design and construction delivery methods as defined in W.S. 16-6-701. Subsections (a) and (b) of this section do not apply to any road and bridge construction work any part of the cost of which work is paid from the state highway fund and that is using an alternate design and construction delivery method as defined in W.S. 16-6-701.

Section 2. On or before October 1, 2023 the transportation commission shall adopt rules necessary to implement this act.

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Section 3.

(a) Except as provided in subsection (b) of this section, this act is effective October 1, 2023.

(b) Sections 2 and 3 of this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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