

SENATE FILE NO. SF0137

Construction of jails-amendments.

Sponsored by: Senator(s) Coe

A BILL

for

1 AN ACT relating to construction of jails; authorizing the
2 use of alternative delivery systems in the construction of
3 jails; making conforming amendments; and providing for an
4 effective date.

5

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

7

8 **Section 1.** W.S. 18-6-201 and 18-6-202(a), by creating
9 a new subsection (b) and by amending and renumbering (b) as
10 (d) are amended to read:

11

12 **18-6-201. Construction of jails; definitions;**
13 **authority of county commissioners to choose construction**
14 **system; plans and specifications; maximum cost permitted;**
15 **call for bids or proposals; limitations applicable only**
16 **when costs paid from general fund.**

17

1 (a) As used in W.S. 18-6-201 and 18-6-202:

2

3 (i) "Alternate delivery system" means a
4 construction delivery system other than the traditional
5 design bid build system that includes all the procedures,
6 actions, sequence of events, contractual relations,
7 obligations, interrelations and various forms of agreements
8 needed for the successful completion of the design and
9 construction of buildings, roads and structures, including
10 construction manager agency, construction manager at risk
11 and design build construction delivery systems;

12

13 (ii) "Construction delivery system" means the
14 method used to construct jail buildings and facilities;

15

16 (iii) "Construction manager" means a
17 construction professional who provides administration and
18 management services to the board of county commissioners
19 during design consultation and construction;

20

21 (iv) "Construction manager agency" means a
22 construction delivery system where the construction manager
23 has an administrative role throughout the project provided
24 there is no common ownership between the architect or

1 design firm and construction manager, and board of county
2 commissioners holds the trade contracts;

3

4 (v) "Construction manager at risk" means a
5 construction delivery system where the construction manager
6 shall bond a project, hold the trade contracts, may
7 participate in the design and has the ability to execute
8 the work;

9

10 (vi) "Design bid build" means a construction
11 delivery system where the work is bid based on detailed
12 plans, specifications and contract documents;

13

14 (vii) "Design build" means a construction
15 delivery system where a single contractor bonds a project
16 and provides all services necessary to design and construct
17 the project building, roads or other structures based upon
18 a programmatic scope of work defined by the board of county
19 commissioners.

20

21 ~~(a)~~(b) Whenever the board of county commissioners
22 deems it in the best interest of the county to have a jail
23 constructed they shall decide first whether the contract
24 will be awarded under the design bid build system or an

1 alternate delivery system. If the board elects to award
2 contracts based upon the design build system, the board
3 shall cause plans and specifications for a jail to be
4 prepared by a competent architect. If the board elects to
5 use an alternative delivery system, the board shall
6 identify the construction delivery system to be used and
7 provide sufficient information about the project to be
8 constructed so that proposals and bids can be submitted for
9 the work. After the plans and specifications are prepared,
10 reviewed and critiqued by the sheriff and adopted by the
11 board of county commissioners, or after the board has
12 identified and provided sufficient information regarding
13 the selected alternative delivery system, they shall
14 deposit ~~them~~ the plans or other information in the office
15 of the county clerk for the county where they shall be
16 available for the inspection of all persons. The board of
17 county commissioners shall give notice that they will
18 receive sealed proposals for the building of the jail
19 according to the plans ~~and specifications~~ or information by
20 publication in a newspaper once each week for four (4)
21 consecutive weeks in any newspaper of general circulation
22 within the county. The notices shall state that the
23 commissioners will until a specified day not less than
24 thirty (30) days from publication of the notice receive

1 sealed proposals for the building of all or part of the
2 jail. Proposals shall be delivered to the county clerk.

3

4 ~~(b)~~ (c) This section applies only if the cost of the
5 construction of the jail is to be paid from the general
6 fund of the county. If bonds are to be issued pursuant to
7 W.S. 18-4-302 then the above limitations shall not apply.

8

9 **18-6-202. Construction of jails; opening of bids or**
10 **proposals; awarding of contract; security for completion;**
11 **payment.**

12

13 (a) If the board elects to award contracts based upon
14 the design build system, on the day appointed for opening
15 the bids the county commissioners shall open and declare
16 the same in public and shall award the contract or
17 contracts to the lowest bidder who shall furnish to the
18 board satisfactory security in ~~double~~ the amount of his
19 contract for the execution and completion of such contract.

20

21 (b) If the board elects to use an alternative
22 delivery system as authorized by W.S. 18-6-201(b), on the
23 specified day the board shall open the proposals and bids
24 and declare the same in public and award the contract or

1 contracts based upon specifications regarding the selected
2 alternative delivery system.

3

4 ~~(b)~~(d) ~~The~~ All bids shall be accompanied by the
5 guarantee of two (2) or more responsible persons that if
6 the contract is awarded to the bidder he will enter into
7 the requisite bonds for the faithful performance of the
8 contract.

9

10 **Section 2.** This act is effective July 1, 2003.

11

12

(END)