

HOUSE BILL NO. HB0124

Cities and towns-vehicle bid guarantee.

Sponsored by: Representative(s) Burkhardt, Eyre and Lindholm
and Senator(s) Case

A BILL

for

1 AN ACT relating to cities and towns; eliminating
2 procurement guarantee requirements for cities, towns and
3 certain joint powers boards when procuring a motor vehicle;
4 and providing for an effective date.

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

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8 **Section 1.** W.S. 15-1-113(d) and (f) through (h) is
9 amended to read:

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11 **15-1-113. Contracts for public improvements.**

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13 (d) Every contract shall be executed by the mayor or
14 in his absence or disability, by the president or other
15 presiding officer of the governing body and by the clerk or

1 designee of the governing body. The successful bidder or
2 respondent shall furnish to the city, town or joint powers
3 board a bond as specified in the advertisement, or if the
4 contract price is one hundred fifty thousand dollars
5 (\$150,000.00) or less, any other form of financial
6 guarantee satisfactory to the city, town or joint powers
7 board. The bond or other form of financial guarantee shall
8 meet the requirements of W.S. 16-6-112. A successful bidder
9 shall not be required to furnish a bond or other form of
10 guarantee if the contract is for the purchase or lease of a
11 new automobile or truck that costs less than one hundred
12 thousand dollars (\$100,000.00).

13

14 (f) In advertising for any bid, the forms of
15 guarantee required under this section and approved by the
16 city, town or joint powers board shall be specified. In
17 addition, bidders shall be required to accompany each bid
18 with a bid bond or if the bid is one hundred fifty thousand
19 dollars (\$150,000.00) or less, any other form of bid
20 guarantee approved by the city, town or joint powers board,
21 equal to at least five percent (5%) of the total bid
22 amount, with sufficient surety and payable to the city,
23 town or joint powers board. Bidders shall not be required

1 to accompany a bid with a bid bond or other form of bid
2 guarantee if the bid is for the purchase or lease of a new
3 automobile or truck that costs less than one hundred
4 thousand dollars (\$100,000.00). The bid guarantee shall be
5 forfeited as liquidated damages if the bidder, upon the
6 letting of the contract to him, fails to enter into the
7 contract within thirty (30) days after it is presented to
8 him for that purpose or fails to proceed with the
9 performance of the contract. The bid guarantee shall be
10 retained by the city, town or joint powers board until
11 proper bond or other form of security satisfactory to the
12 city, town or joint powers board to secure performance of
13 the contract has been filed and approved. The right to
14 reject any bid is reserved in all bid advertisements. All
15 bids shall be numbered consecutively before they are opened
16 and no further bids may be received after the advertised
17 time of opening bids and any bid is publicly opened. The
18 city, town or joint powers board shall give all persons who
19 desire an opportunity to inspect all bids when they are
20 opened. No bid may be considered unless accompanied by a
21 bid guarantee in the required amount.

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1 (g) No contract for which a bond or other form of
2 financial guarantee approved by the city, town or joint
3 powers board is required or for the purchase or lease of a
4 new automobile or truck that is subject to the advertising
5 requirements of subsection (a) of this section may be
6 assigned or transferred in any manner except by operation
7 of law or consent of the governing body endorsed on the
8 contract. Assignment by any other means renders the
9 contract null and void as to any further performance by the
10 contractor or the assignee, without any act on the part of
11 the city, town or joint powers board. The city, town or
12 joint powers board may at once proceed to relet the
13 contract or may at its discretion proceed to complete the
14 contract as agent at the expense of the contractor and his
15 sureties.

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17 (h) Before any contractor or his representative
18 receives a final payment on any contract for which a bond
19 or other financial guarantee is required or for the
20 purchase or lease of a new automobile or truck that is
21 subject to the advertising requirements of subsection (a)
22 of this section, the city, town or joint powers board shall
23 publish in a newspaper of general circulation in the city

1 or town, or in the case of a joint powers board in any
2 member city or town, at least ten (10) days prior to the
3 final payment, a notice to the effect that persons having
4 claims for labor and material furnished the contractor
5 shall present them to the city, town or joint powers board
6 prior to the date specified for payment.

7

8 **Section 2.** This act is effective July 1, 2020.

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(END)