

SENATE FILE NO. SF0074

Professional services procurement.

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

A BILL

for

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

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

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10 **Section 1.** W.S. 9-2-1028(a)(i), by creating a new  
11 paragraph (vi) and by renumbering (vi) to (vii) and  
12 9-2-1031(a) and by creating new subsections (f) and (g) are  
13 amended to read:

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15 **9-2-1028. Definitions.**

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2 (a) As used in this act:

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4 (i) "Agency" means any state office, department,  
5 board, commission, institution or other operating entity of  
6 the state excluding, except as otherwise provided in W.S.  
7 9-2-1031(f), the University of Wyoming, community college  
8 districts, school districts, the Wyoming business council and  
9 the Wyoming department of transportation;

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11 (vi) "Resident firm" means a firm that:

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13 (A) Possesses a physical office within the  
14 state that is staffed by persons employed in the state; and

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16 (B) Acknowledges in the firm's current  
17 statement of qualifications or application that if selected  
18 for the project, at least fifty percent (50%) of the contract  
19 costs for professional services shall be performed by staff  
20 or consultants employed in the state.

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22 ~~(vi)~~(vii) "This act" means W.S. 9-2-1027 through  
23 9-2-1033.

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2           **9-2-1031. Selection procedures.**

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4           (a) For each proposed project, the principal  
5 representative of the agency for which the project is proposed  
6 shall evaluate current statements of qualifications and  
7 performance data of firms on file with the department or the  
8 agency, together with any applications submitted by other  
9 qualified firms, and shall select in accordance with  
10 subsection (f) of this section not less than three (3) firms  
11 considered qualified to perform the required professional  
12 services. ~~Consideration in each selection process by the~~  
13 ~~principal representative shall be based upon the ability of~~  
14 ~~professional personnel, past performance, willingness to meet~~  
15 ~~time requirements, location, residency, current and projected~~  
16 ~~work loads, the volume of work previously awarded to the firm~~  
17 ~~by the agency, and the equitable distribution of contracts~~  
18 ~~among qualified firms.~~ The agency shall provide a complete  
19 description of the work to the firms selected. These firms  
20 shall submit an unpriced proposal to do the work. ~~For purposes~~  
21 ~~of this subsection, residency does not require satisfaction~~  
22 ~~of the elements contained in W.S. 16-6-101(a)(i).~~

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

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

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9               (A) The ability of professional personnel;

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11              (B) Past performance;

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13              (C) Willingness to meet time requirements;

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15              (D) Location;

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17              (E) Current and projected work loads;

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

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

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(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.

(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.

**Section 2.** This act shall only apply to the procurement of professional services on or after July 1, 2019.

1           **Section 3.** This act is effective July 1, 2019.

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(END)