
GOVERNMENT CONTRACTS - WYOMING

Western Wyoming Const. Co., Inc. v. Board of County Com'rs of Sublette County

Supreme Court of Wyoming - May 21, 2013 - P.3d - 2013 WY 63

The Supreme Court of Wyoming held that:

- Statute providing for a resident contractor preference does not preempt field of residential preferences, overruling Green River v. DeBernardi, 816 P.2d 1287; and
- Court could not determine that award of contract was proper absent evidence showing where the money came from to pay for the project.

Public contracts statute providing for a resident contractor preference with reference to lowest bid or qualified response does not preempt the field of residential preferences in the context of bidders who are both Wyoming residents. Rather, the statute has no application in that context, and applies only in the context of competing bids from a resident and a non-resident contractor, overruling Green River v. DeBernardi, 816 P.2d 1287.

A county, in a situation where advertisement for bids on a public contract is not required, is required by statute to award the bid to a Wyoming resident. When advertisement for bids is required, the bid must be awarded to the lowest resident bidder unless his bid is more than five percent higher than that of the lowest responsible nonresident bidder.

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