

Bond Case Briefs

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CONTRACTS - WYOMING

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

Supreme Court of Wyoming - May 27, 2015 - P.3d - 2015 WY 77

Low bidder on highway construction project brought action against Board of County Commissioners after they awarded the contract to a higher bidder. The District Court granted Commissioners' motion for summary judgment and low bidder appealed.

The Supreme Court of Wyoming held that commissioners' utilization of the known and unannounced criteria of county of residence in awarding the contract opened for competitive bid constituted an illegal exercise of discretion.

Under public improvement statute requiring contracts to be awarded to lowest bidder deemed qualified and responsible, county commissioners' award of public works contract to second lowest bidder on basis of that bidder's residency in county was abuse of discretion, where residency criterion was not only unannounced to the bidders, but also known to the commissioners and intentionally concealed, and the commissioners could not articulate a standard for deciding when a local bid could be higher than another bid but still be in the best interest of the project.