

CROOK COUNTY ROAD AND BRIDGE

2014 ANNUAL CONTRACTOR BID OPPORTUNITY

BIDS MUST BE RECEIVED BY DECEMBER 13, 2013 AT 12:00PM IN THE ROAD & BRIDGE OFFICE

BIDS WILL BE OPENED IMMEDIATELY FOLLOWING THE DEADLINE

BACKGROUND:

Crook County is seeking bids for hauling and construction equipment contractors for the 2014 calendar year. The annual bidding process for hauling and construction equipment contractors is for an “As-Needed” basis as requested by Crook County Road and Bridge. All bidders must comply with Wyoming Statutes 16-6 Article 2: Preference for State Laborers and 16-6-203 required resident labor on public works projects. A copy of the statute is included in this bid package.

Bidders are encouraged not to bid even dollars in an effort to decrease the likelihood of a tie. Should a tie occur between two or more contractors, a coin toss will be scheduled between the parties to determine their rank.

Current on-highway diesel fuel price of \$3.88/gal is based on the Wyoming state average provided at <http://fuelgaugereport.opisnet.com/sbsavg.html>. Bidders must use the \$3.88 per gallon fuel price for calculating bids. All adjustments will be based on the Wyoming state average on this website on the 25th of each month by the Road & Bridge office. There will be no increase or decrease until the State average is \$0.15 either side of \$3.88/gallon, then 1% increase/decrease for every \$0.08 beyond the \$0.15 threshold. Provided below is the schedule used to determine fuel surcharges. The table shown below is ongoing: for every \$0.08, another percent will be added.

<u>Fuel Surcharge Decrease</u>		AVERAGE	<u>Fuel Surcharge Increase</u>	
<u>PPG Range</u>	<u>% Decrease</u>	\$3.88/gal	<u>PPG Range</u>	<u>% Increase</u>
\$3.64-\$3.72	-1%		\$4.04-\$4.12	+1%
\$3.55-\$3.63	-2%		\$4.13-\$4.21	+2%
\$3.46-\$3.54	-3%		\$4.22-\$4.30	+3%
\$3.37-\$3.45	-4%		\$4.31-\$4.39	+4%
No decrease until below \$3.73/gal			No increase until above \$4.03/gal	

CRITERIA:

The bid price provided shall be an hourly rate determining the rank of the contractor on the vendors list. WY contractors will receive a 5% preference: “preference is hereby given to materials, supplies, agricultural products, equipment, machinery and provisions produced, manufactured or grown in Wyoming, or supplied by a resident of the state, quality being equal to articles offered by the competitors outside of the state.” Subcontracting work is not allowed.

REQUIREMENTS FOR SUCCESSFUL BIDDERS:

All Contractors for all public works projects with Crook County must be the owner/operator of the equipment to be used with no subcontractors allowed. Must be able to provide twenty-four (24) hours’ notice if unable to

meet agreed upon schedule. Equipment must meet minimum legal capacities as specified on the Bid Form; loads are expected to be within ½ ton of legal maximum capacity.

AFTER BID AWARD:

If the first contractor is called for a project and is unable to accommodate the request, the County will call the next lowest bidder until the need is met. Billable time begins from the address of contractor. Track tonnage or load count each day. Ensure all equipment will meet Wyoming Department of Transportation (WYDOT) safety standards, as well as current licensing and mobile machinery tags where applicable.

Submit invoices and tonnages (if applicable) or load counts on a monthly basis to the Road and Bridge Office by the 25th of each month. Always bill for bid amount, any adjustments based on fuel will be made by the Road & Bridge office.

Questions may be directed to Morgan Ellsbury, Road and Bridge Superintendent at 307-283-1441.

Nothing contained in this bid documentation shall be construed to deprive the Board of the Crook County Commissioners of Wyoming of the right to reject any bid, or to refuse to award a contract to the lowest bidder, when circumstances or developments have, in the Commission's opinion, changed the bidder's qualification or responsibility. Crook County reserves the right to (when practical and in emergency situations) use the vendor closest in geographic proximity to the job to avoid longer dead hauls and mobilization. When Crook County feels this would be necessary, the rank of the vendor on the call list will be ignored.

**RETURN BID TO:
CROOK COUNTY ROAD AND BRIDGE OFFICE IN THE COURTHOUSE
309 E. CLEVELAND STREET;
OR MAIL TO: P.O. BOX 995, SUNDANCE, WY 82729.**

**ANY BIDS RECEIVED AFTER 12:00PM DECEMBER 13, 2013
WILL NOT BE OPENED AND WILL BE REJECTED**

ARTICLE 2 - PREFERENCE FOR STATE LABORERS

16-6-201. ♦ Short title.

This act may be cited as the "Wyoming Preference Act of 1971".

16-6-202. ♦ Definitions.

(a) ♦ As used in this act:

(i) ♦ "Laborer" means a person employed to perform unskilled or skilled manual labor for wages in any capacity and does not include independent contractors;

(ii) ♦ "Resident" includes any person who is a citizen of the United States and has resided in the state of Wyoming for at least one (1) year immediately preceding his application for employment;

(iii) ♦ "Wages" means a payment of money for labor or services according to a contract or any hourly, daily or piece-work basis;

(iv) ♦ "This act" means W.S. 16-6-201 through 16-6-206.

16-6-203. ♦ Required resident labor on public works projects; exception.

(a) ♦ Every person who is charged with the duty of construction, reconstructing, improving, enlarging, altering or repairing any public works project or improvement for the state or any political subdivision, municipal corporation, or other governmental unit, shall employ only Wyoming laborers on the project or improvement. Every contract let by any person shall contain a provision requiring that Wyoming labor be used except other laborers may be used when Wyoming laborers are not available for the employment from within the state or are not qualified to perform the work involved. The contract shall contain a provision requiring specific acknowledgement of the requirements of this section. A person required to employ Wyoming laborers may employ other than Wyoming laborers if:

(i) ♦ That person informs the nearest state workforce center of his employment needs at least eleven (11) days before work is commenced; and

(ii) ♦ The state workforce center certifies that the person's need for laborers cannot be filled from those Wyoming laborers listed with the Wyoming department of workforce services. ♦ The department shall respond to a person's request for certification

within ten (10) days of the date the information is filed.

(b) ♦ Upon request by the workforce center, the general contractor shall provide the most recent construction schedule for the project.

16-6-204. ♦ Employees not covered by provisions.

All other employees of the contractor or subcontractor, other than laborers as defined by this act, are not covered by this act.

16-6-205. ♦ Enforcement.

(a) ♦ The department of workforce services shall promulgate rules and regulations required to enforce this act and is authorized and directed to enforce this act. ♦ For purposes of all investigations, the department shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any books, papers, documents or records which the department deems relevant or material to the inquiry.

(b) ♦ Along with each application for payment for a contract subject to this act, the general contractor shall provide to the contracting entity a payroll report for all contractors and subcontractors involved in the project in a form that is consistent with federally certified reporting requirements and includes residency status for each laborer.

(c) ♦ This act shall not be enforced in a manner which conflicts with any federal statutes or rules and regulations.

16-6-206. ♦ Failure to employ state laborers; penalty.

(a) ♦ A person who willfully or intentionally fails to use Wyoming laborers as required in this act shall be subject to a civil penalty of not more than one thousand dollars (\$1,000.00) per nonresident laborer employed per day, not to exceed a total penalty of ten percent (10%) of the amount of the person's contract. Each separate case of failure to employ Wyoming laborers on public works projects constitutes a separate offense.

(b) ♦ In the event a second offense occurs, the person shall be barred from bidding on any contract subject to the provisions of this act or submitting any request for proposal on any project subject to the provisions of this act for one (1) year from the date the violation is corrected.

(c) ♦ Before a civil penalty is imposed under this section, the department of workforce services shall notify the person accused of

a violation. The notice shall be served in accordance with the Wyoming Rules of Civil Procedure and contain:

(i) A statement of the grounds for imposing the civil penalty, including a citation to the statute involved;

(ii) A statement of the facts in support of the allegations;

(iii) A statement informing the person of the right to a hearing and that failure to timely request a hearing will result in imposition of the civil penalty stated.

(d) A request for hearing on a proposed civil penalty shall be in writing and shall be submitted to the department no later than seven (7) days after receipt of the notice from the department. The hearing shall be conducted as a contested case before a hearing examiner of the office of administrative hearings. The hearing shall be no later than fifteen (15) days after receipt of the request for hearing, unless the person subject to the proposed civil penalty requests an extension of time for good cause shown. The hearing officer shall recommend a decision to the director of the department. After hearing or upon failure of the accused to request a hearing, the director of the department shall determine the amount of the civil penalty to be imposed in accordance with the limitations in this section. Judicial review, if any, shall be from the decision of the director and in accordance with the provisions of the Wyoming Administrative Procedure Act.

(e) A civil penalty may be recovered in an action brought by the attorney general in the name of the state of Wyoming in any court of appropriate jurisdiction.