

**RESOLUTION NO. 2021-06
OF THE
JACKSON HOLE AIRPORT BOARD**

**RE: Specialized Airport Dining Furniture Procurement Waiver
Baggage Claim Food Market Project
May 14, 2021**

The Jackson Hole Airport Board (the "Board"), a body corporate, organized under the laws of Wyoming, finds that:

WHEREAS, the Board is the operator and proprietor of the Jackson Hole Airport (the "Airport") and is authorized to enter into contracts to construct and equip facilities for the efficient operation of the Airport, pursuant to W.S. §10-5-101, *et seq*;

WHEREAS, the Board is undertaking a project to construct a Baggage Claim Food Market in the Airport Terminal Building (the "Project"), and in connection therewith has entered into a contract with Wadman Corporation as a construction manager at risk ("CMAR") as authorized by W.S. §16-6-707(a);

WHEREAS, W.S. §16-6-707(c) provides that a CMAR shall comply with the residency and preference requirements imposed by law, and W.S. §16-6-1001 provides that the CMAR shall award to responsible Wyoming resident contractors not less than 70% of the work covered by the CMAR's contract, and if that cannot be accomplished the governing body shall approve a waiver based on one or more factors enumerated in such statute;

WHEREAS, the CMAR advertised published bid advertisements in the Jackson Hole News & Guide on March 17 and March 24, 2021. Though bids were received for all other schedules of the Project, no bids were received for the furniture listed in the bid documents.

WHEREAS, The Project architect describes the furniture requirements for the project as follows:

The furnishings for this project consist of unique and specific size constraints to meet the functionality, fit, and character of the space of the Baggage Claim Food Market. The space is very limited in size and the furnishings are very specific to fit the limits of the space as well as meet the unique characteristics of the design motif. The furnishings consist of banquette pieces, as well as other furnishings, that will need to be fabricated to fit the space and are not readily available to order off the shelf.

WHEREAS, W.S. §16-6-1001(a)(i)(C)(iv) provides that a waiver may be granted when "there were insufficient responsible Wyoming contractors submitting bids to make the seventy percent (70%) requirement," and W.S. §16-6-1001(a)(ii)(D) provides that a waiver may be granted when "the furniture or equipment for the Project "are so specialized or that an item or type of furniture or movable equipment is so unique or uncommon that failure to waiver the requirements would materially impair the functionality of the project."

NOW THEREFORE, in open meeting and on motion made, seconded and unanimously adopted, the Jackson Hole Airport Board hereby finds and resolves as follows:

1. The furniture of the Project was bid and there were insufficient Wyoming contractors submitting bids to make theseventy percent (70%) requirement with respect to furniture for the Project.

2. The furniture for the Project is so specialized, unique and uncommon that failure to waive the biding requirements of W.S. §16-6-1001 would materially impair the functionality of the Project.

3. The Airport Board therefore approves a waiver from the requirements of W.S. §16-6-1001 with respect to the furniture for the Project.

Upon motion duly made and seconded, the foregoing Resolution was adopted by the Jackson Hole Airport Board this 14th day of May 2021.

JACKSON HOLE AIRPORT BOARD

DocuSigned by:
John Eastman
By: _____
John Eastman, President

Attest:

DocuSigned by:
Bob McLaurin
By: _____
Bob McLaurin, Vice-President