

RESOLUTION NO. 2021-12
OF THE
JACKSON HOLE AIRPORT BOARD
RE: CMAR Subcontractor Procurement Waiver
Baggage Claim Marketplace
August 18, 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 facilities for the efficient operation of the Airport, pursuant to W.S. §10-5-101, *et seq*;

WHEREAS, the Board is undertaking a series of separate but interrelated projects to remodel the Airport Terminal Building, including its restaurants and gift shop, passenger screening area, airline ticket counters, holdroom, restrooms and airline and airport administrative offices, a portion of which is federally funded;

WHEREAS, one of these interrelated projects relates to construction of a food and beverage Marketplace located in the baggage claim area of the Terminal Building (the "Project");

WHEREAS, in connection the Project and other related projects, the Board 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, W.S. §16-6-1001(a)(1) provides that the CMAR shall award to responsible Wyoming resident contractors not less than 70% of the work covered in its 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, invitations for subcontractor bids for the Project were issued and advertised under twenty-three (23) different subcontract schedules, and bids were opened on March 24, 2021;

WHEREAS, the low bidders for eleven (11) of the schedules were Wyoming resident subcontractors and their bids collectively total \$229,946, which is approximately 40% of the total of low subcontractor bids of \$570,202 for the Project;

WHEREAS, of the other twelve (12) subcontracting schedules, no Wyoming residents submitted bids for ten (10) of the schedules (for Demolition, Concrete, Metal Wall Panels, Millwork & Wood Wall Panels, Security Grill, Roller Shades, Wood Ceiling, Food Service Equipment and Fires Suppression), and for two (2) other schedules (for Core Dills and Storefront) the low Wyoming resident bid was more than 105% of the bid of the lowest responsible and responsive non-resident bidder;

WHEREAS, W.S. §16-6-100l(a)(1)(c)(iv) provides that a waiver may be granted when there were insufficient Wyoming contractors submitting bids to make the 70% requirement; and

WHEREAS, W.S. §16-6-100l(a)(1)(c)(ii) provides that a waiver may be granted when the bids submitted by responsible Wyoming subcontractors exceed 105% of the costs of out-of-state providers for equivalent quality of work or services.

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

1. A copy of the subcontract bid tabulation for the Project, indicating the amount of the bids in each of the twenty-three (23) subcontract schedules, and the residence status of each subcontractor submitting bids, is attached hereto and incorporated by reference as **Exhibit A**.
2. For ten (10) of the subcontractor schedules, **Exhibit A** establishes that there were no Wyoming contractors submitting bids, and therefore insufficient resident subcontractors submitting bids to make the 70% requirement.
3. For two (2) of the subcontractor schedules, **Exhibit A** establishes that the bid amounts submitted by responsible Wyoming subcontractors exceed 105% of the costs of out-of-state providers for equivalent quality of work or services.
4. Pursuant to W.S. §16-6-100l(a)(i), the Airport Board therefore approves a waiver from the requirements of W.S. §16-6-1001 with respect to such twelve (12) subcontractor schedules for this Project, as described on the attached **Exhibit A**.

Upon motion duly made and seconded, the foregoing Resolution was adopted by the Jackson Hole Airport Board this 18st day of August 2021.

JACKSON HOLE AIRPORT BOARD

By: DocuSigned by:
John Eastman
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John Eastman, President

Attest:

By: DocuSigned by:
Valerie Brown
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Valerie Brown, Secretary