

RESOLUTION NO. 2021-14
OF THE
JACKSON HOLE AIRPORT BOARD
RE: CMAR Subcontractor Procurement Waiver
ATO Relocation Project
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 Administration Building, including its restaurants and gift shop, passenger screening area, airline ticket counters, passenger holdroom and restrooms and airline and airport administrative offices, a portion of which is federally funded;

WHEREAS, additional airlines propose to serve the Airport in early summer of 2021, the Board is required by its agreements with the Federal Aviation Administration to accommodate such additional airlines, the Board has no control over the airlines' schedules for commencement of such service, and accommodation of such airlines requires remodeling what was the Airport administration space to for use as airline offices (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 eighteen (18) different subcontract schedules, and bids were opened on May 25, 2021;

WHEREAS, the low bidders for eight (8) of the schedules were Wyoming residentsubcontractors and their bids collectively total \$315,465, which is approximately 44% of the total low subcontractor bids of \$724,244 for the Project;

WHEREAS, of the other ten (10) subcontracting schedules, no Wyoming residents submitted bids for four (4) of the schedules (for Millwork, Door Installation, Glass/Film Sidelights and Signage), and for six (6) other schedules (for Concrete, Thermal Insulation, Doors/Hardware, Carpet/LVT/Base, Fire Suppression, and Electrical) the low Wyoming resident bid was more than 105% of the bid of the lowest responsible and responsive non-resident bidder;

WHEREAS, W.S. §16-6-1001(a)(1)(c)(iv) provides that a waiver may be granted when there were insufficient Wyoming contractors submitting bids to make the 70% requirement;

WHEREAS, W.S. §16-6-1001(a)(1)(c)(ii) provides that a waiver may be granted when 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; and

WHEREAS, W.S. §16-6-1001(a)(1)(c)(iii) provides that a waiver may also be granted where, as here, enforcement of the 70% requirement would unreasonably delay construction.

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 each of the eighteen (18) subcontract bids and the residence status of each subcontractor submitting bids is attached hereto and incorporated by reference as **Exhibit A**.
2. For four (4) of the subcontractor schedules, **Exhibit A** establishes that there were insufficient Wyoming contractors submitting bids to make the 70% requirement.
3. For six (6) 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. §16-6-1001(a)(i), the Airport Board therefore approves a waiver from the requirements of W.S. §16-6-1001 with respect to such ten (10) subcontractor schedules for this Project, as described on the attached **Exhibit A**.
5. Pursuant to W.S. §16-6-1001(a)(i), the Airport Board also approves a waiver from the requirements of W.S. §16-6-1001 with respect to the Project, because in light of airline schedules to commence service, failure to grant such waiver would unreasonably delay completion of construction of the Project.

Upon motion duly made and seconded, the foregoing Resolution was adopted by the Jackson Hole Airport Board this 18th 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