

**RESOLUTION NO. 2021-18**  
**OF THE**  
**JACKSON HOLE AIRPORT BOARD**  
**RE: CMAR Subcontractor Procurement Waiver**  
**Restaurant, Hold Room and Basement Expansion Project**  
**December 17, 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 expand and remodel the Airport Terminal Building, including its restaurants and gift shop, passenger security screening area, airline ticket counters, passenger holdroom, restrooms and airline and airport administrative offices, a portion of which is federally funded;

**WHEREAS**, one of these interrelated projects relates to expansion and remodeling of the restaurant, passenger hold room and related terminal basement (the "Project");

**WHEREAS**, in connection with 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 and responsive Wyoming resident contractors not less than 70% of the work covered in its contract, and if that cannot for permissible reasons 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 thirty-two (32) different subcontract schedules, and bids were opened on November 19, 2021, with certain long-lead-time schedules having been opened earlier;

**WHEREAS**, the low bidders for four (4) of the subcontracting schedules were Wyoming residentsubcontractors and their bids collectively total \$3,031,651, which is approximately 22% of the total of low subcontractor bids of \$14,063,153 for the Project;

**WHEREAS**, of the remaining twenty-eight (28) subcontracting schedules, no Wyoming residents submitted bids for twenty (20) of the schedules, the bids of Wyoming residents were non-responsive for three (3) of the schedules, and for five (5) other schedules 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 subcontractors submitting bids to make the 70% requirement;

**WHEREAS**, W.S. §16-6-100l(a)(1)(c)(ii) provides that a waiver may be granted when he 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 thirty (32) schedules, and the residence status of each subcontractor, is attached hereto and incorporated by reference as **Exhibit A**.
2. For twenty (20) of the subcontractor schedules, **Exhibit A** establishes that there were no Wyoming contractors submitting bids, for three (3) of the schedules the bids of Wyoming residents were non-responsive, and for five (5) of the schedules the bid amounts submitted by responsible Wyoming subcontractors exceed 105% of the costs of out-of-state bidders for equivalent quality of work or services.
3. The foregoing establishes that there were insufficient resident subcontractors submitting bids, and the bids submitted by responsive Wyoming subcontractors exceeded 105% of the cost of out-of-state providers, such that the 70% requirement cannot be achieved.
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 twenty-eight (28) 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 17th day of December 2021.

**JACKSON HOLE AIRPORT BOARD**

DocuSigned by:  
 By: John Eastman  
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 John Eastman, President

**Attest:**

DocuSigned by:  
 By: Valerie G. Brown  
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 Valerie Brown, Secretary