

**RESOLUTION NO. 2023 – 02**  
**OF THE**  
**JACKSON HOLE AIRPORT BOARD**  
**RE: CMAR Subcontractor Procurement Waiver**  
**Fuel Facility Tank Addition Project**  
**February 15, 2023**

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 replace antiquated general aviation facilities and expand the capacity of the fuel facility to avoid shortages caused by potential supply chain interruptions;

**WHEREAS**, one of these interrelated projects relates to the addition of an aviation fuel tank on the existing fuel facility at the Airport (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 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 four (4) different subcontract schedules, and bids were opened on January 18, 2022;

**WHEREAS**, the low bidders for one (1) of the schedules was a Wyoming resident subcontractor and its bid totaled \$591,435, which is approximately 31% of the total of all low subcontractor bids of \$1,868,090 for the Project;

**WHEREAS**, of the remaining three (3) subcontracting schedules, no Wyoming residents submitted bids for two (2) of the schedules, and for the one (1) other schedule 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 are insufficient Wyoming subcontractors submitting bids to make the 70% requirement; and

**WHEREAS**, W.S. §16-6-1001(a)(1)(c)(ii) provides that a waiver may also 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 four (4) subcontract schedules, and the residence status of each subcontractor submitting bids, is attached hereto and incorporated by reference as **Exhibit A**.
2. For two (2) of the subcontractor schedules, **Exhibit A** establishes that there were no responsible Wyoming contractors submitting bids; and for the other one (1) subcontractor schedule the bid amount submitted by a responsible Wyoming subcontractor exceed 105% of the costs of the lowest out-of-state bidder for equivalent quality of work or services.
3. The foregoing establishes that there were insufficient resident subcontractors submitting bids, and the bid submitted by a responsible Wyoming subcontractor exceeded 105% of the cost of out-of-state providers, such that the 70% requirement cannot be achieved.
4. Pursuant to W.S. §16-6-1001(a)(i), the Airport Board therefore approves a waiver from the requirements of W.S. §16-6-1001 with respect to such three (3) 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 15th day of February 2023.

**JACKSON HOLE AIRPORT BOARD**

By: DocuSigned by:  
*Ed Liebrecht*  
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 Ed Liebrecht, President

**Attest:**

By: DocuSigned by:  
*Melissa Turley*  
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 Melissa Turley, Secretary