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CHAPTER VIII

AWARD AND EXECUTION OF CONTRACT

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CHAPTER VIII

AWARD AND EXECUTION OF CONTRACT

PREAMBLE

Section W.S. 24-2-108, Wyoming Statutes 1957 authorizes the Wyoming State Highway Department to "adopt general rules and regulations for the publication of notice to bidders, the awarding of contracts and for determining the qualifications and responsibilities of bidders."

The law, of course, remains fixed until changed by subsequent acts of the legislature; however, the rules herein announced are subject to change by the Commission through administrative rulings, as exigencies may require.

Section 1. Consideration of Proposals. After the proposals are opened and read they will be compared on the basis of the summation of the approximate quantities shown in the bid schedule multiplied by the unit bid prices. The results of such comparisons will be immediately available to the public. In the event of a discrepancy between the unit bid price and extensions, the unit bid price shall govern.

The right is reserved to reject any or all proposals, to waive technicalities or to advertise for new proposals if in the judgment of the awarding authority the best interest of the Department will be promoted thereby.

Section 2. Award of Contract. The award of contract, if it be awarded, will be made within thirty (30) calendar days after the proposals to the lowest responsible and qualified bidder whose proposal complies with all the prescribed requirements. The successful bidder will be notified by letter, mailed to the address shown on his proposal, that his bid has been accepted and that he has been awarded the contract.

Section 3. Cancellation of Award. The Commission reserves the right to cancel the award of any contract at any time before the execution of said contract by all parties without liability against the Department.

Section 4. Return of Proposal Guaranty. All proposal guaranties except that of the lowest bidder will be returned immediately following the opening and checking of the proposals. The proposal guaranty of the low bidder will be retained until a Performance Bond is secured and furnished the Department. In the event the low bidder decides to reject the contract, the second low bidder will be given the option of accepting it, upon presentation of a proper proposal security in the amount specified or by immediately executing the contract and furnishing a proper performance bond. (Amended _____.)

Section 5. Requirements of Contract Bond. At the time of the execution of the contract, the successful bidder shall furnish a surety bond, or bonds in a sum equal to the full amount of the contract. The bonds shall be on a form acceptable to the Department.

Section 6. Execution and Approval of Contract. The contract shall be signed by the successful bidder and returned, together with the contract bond, within twenty (20) days after the contract has been returned to the bidder. If the contract is not executed by the Department and approved within fifteen (15) days following receipt from the bidder of the signed contracts and bonds, the bidder shall have the right to withdraw his bid without penalty. No contract shall be considered effective until it has been fully executed by all the parties thereto.

Section 7. Failure to Execute Contract. Failure to execute the contract and file acceptable bonds within twenty (20) days after the contract has been mailed to the bidder shall be just cause for cancellation of the award and forfeiture of the proposal guaranty which shall become the property of the Department not as a penalty but in liquidation of damages sustained. Award may then be made to the next lowest responsible bidder, or the work may be re-advertised and constructed under contract or otherwise as the Department may decide.

Section 8. Special Bonds and Insurance. When the work to be undertaken in any project is of such a nature that a special bond or special insurance is required, special requirements and information will be attached to the proposal form.

Section 9. Workmen's Compensation. The contractor shall subscribe to and pay premiums into the Wyoming Workmen's Compensation for and as provided by Title 17 of the Wyoming Statutes for the protection of all his employees. No contract will be awarded to any contractor who fails to provide such benefits for his employees in this State.