

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

546P0632

SENATE BILL NO. 165

Introduced by: Senator Heidepriem and Representative Gillespie

1 FOR AN ACT ENTITLED, An Act to provide a preference for residents in competitive bids for
2 certain public contracts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-19-3 be amended to read as follows:

5 5-19-3. If a contract is let by the state, a department thereof, any county, municipality, school
6 district, or other public corporation of the state for the erection, construction, alteration, or repair
7 of any public building, other structure, or addition thereto, or for any public work or
8 improvement or for the purchase of any goods, merchandise, supplies, or equipment of any
9 character, the contract shall be let to the lowest responsible bidder. However, a resident bidder
10 shall be allowed a preference on a contract against the bid of any bidder from any other state of
11 the United States or any state or province of any foreign country ~~which enforces or has a~~
12 ~~preference for resident bidders. The amount of the preference given to the resident bidder shall~~
13 ~~be equal to the preference in the other state or province~~ if the resident's bid is equal to or within
14 five percent of the lowest responsible bid.

15 Section 2. That § 5-23-21.2 be amended to read as follows:



1 5-23-21.2. The Bureau of Administration, and each other agency of the state, and each
2 political subdivision of the state shall in every case give preference to any person, firm, or
3 corporation ~~who has his or its~~ if the resident bidder's principal place of business is in the state.
4 ~~However~~ Moreover, a resident bidder may be allowed a preference on a contract against the bid
5 of any bidder from any other state ~~which enforces or has a preference for resident bidders. The~~
6 ~~amount of the preference given to the resident bidder of this state shall be equal to the~~
7 ~~preference in the other state. Resident bidders~~ if the resident's bid is equal to or within five
8 percent of the lowest responsible bid. Any resident bidder of this state shall be given ~~preferences~~
9 such a preference on a contract against the bid of any bidder from any other state ~~which enforces~~
10 ~~or has a preference for resident bidders in an amount equal to the preference in the other state~~
11 ~~on contracts~~ any contract involving funds obtained from the federal government unless the
12 preference is expressly prohibited by the laws of the United States.