

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

922V0658

## HOUSE BILL NO. 1197

Introduced by: Representatives Stevens, Hunhoff (Bernie), and Schoenfish and Senator Hunhoff (Jean)

1 FOR AN ACT ENTITLED, An Act to exclude certain maintenance contracts from certain  
2 public procurement provisions.

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

4 Section 1. That § 5-18A-22 be amended to read as follows:

5 5-18A-22. The provisions of this chapter and chapters 5-18B, 5-18C, and 5-18D do not  
6 apply to:

- 7 (1) Any highway construction contract entered into by the Department of Transportation;
- 8 (2) Any contract for the purchase of supplies from the United States or its agencies or  
9 any contract issued by the General Services Administration;
- 10 (3) Any purchase of supplies or services, other than professional services, by purchasing  
11 agencies from any active contract that has been awarded by any government entity  
12 by competitive sealed bids or competitive sealed proposals or from any contract that  
13 was competitively solicited and awarded within the previous twelve months;
- 14 (4) Any equipment repair and maintenance contract;
- 15 (5) Any procurement of electric power, water, or natural gas; chemical and biological



- 1 products; laboratory apparatus and appliances; published books, maps, periodicals  
2 and technical pamphlets; works of art for museum and public display; medical  
3 supplies; communications technologies, computer hardware and software, peripheral  
4 equipment, and related connectivity; tableware or perishable foods;
- 5 (6) Any supplies, services, and professional services required for externally funded  
6 research projects at institutions under the control of the Board of Regents;
- 7 (7) Any property or liability insurance or performance bonds, except that the actual  
8 procurement of any insurance or performance bonds by any department of the state  
9 government, state institution, and state agency shall be made under the supervision  
10 of the Bureau of Administration;
- 11 (8) Any supplies needed by the Department of Human Services or the Department of  
12 Social Services or prison industries for the manufacturing of products;
- 13 (9) Any printing involving student activities, conducted by student organizations and  
14 paid for out of student fees, at institutions under the control of the Board of Regents.  
15 However, nothing in this subdivision exempts, from the requirements of this chapter  
16 and chapters 5-18B, 5-18C, and 5-18D, purchases that involve printing for other  
17 activities at institutions under the control of the Board of Regents;
- 18 (10) Any purchase of surplus property from another purchasing agency;
- 19 (11) Any animals purchased;
- 20 (12) Any purchase by a school district of perishable food, raw materials used in  
21 construction or manufacture of products for resale, or for transportation of students;
- 22 (13) Any authority authorized by chapters 1-16A, 1-16B, 1-16E, 1-16G, 1-16H, 1-16J, 5-  
23 12, or 11-11;
- 24 (14) Any seeds, fertilizers, herbicides, pesticides, feeds, and supplies used in the operation

- 1 of farms by institutions under the control of the Board of Regents;
- 2 (15) Any purchase of supplies for any utility owned or operated by a municipality if the
- 3 purchase does not exceed the limits established in § 5-18A-14;
- 4 (16) For political subdivisions, any contract for asbestos removal in emergency response
- 5 actions and any contract for services provided by individuals or firms for consultants,
- 6 audits, legal services, ambulance services, architectural services and engineering,
- 7 insurance, real estate services, or auction services; or
- 8 (17) Any purchase of supplies or services from a contract established through a
- 9 Midwestern Higher Education Compact group purchasing program by a competitive
- 10 sealed bid or a competitive sealed proposal.