

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

417A0054

SENATE BILL NO. 10

Introduced by: Senators Lange, Everist, and Thompson and Representatives Duxbury, Hagg, and Moore at the request of the North Dakota/South Dakota Interim Study Commission

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to enter into cooperative
2 purchasing agreements with the North Dakota State Board of Higher Education.

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

4 Section 1. The South Dakota Board of Regents may enter into cooperative purchasing
5 agreements with the North Dakota State Board of Higher Education in order to take advantage
6 of economies of scale that could be realized by pooling the needs of several institutions in both
7 states, each of which conducts substantially similar educational, administrative, and research
8 functions.

9 Section 2. For purposes of this Act, the term, cooperative purchasing agreement, means an
10 agreement that permits any party to the agreement to purchase commodities under contracts that
11 have been competitively bid by another party to the agreement.

12 Section 3. Notwithstanding any other provision of law, the Board of Regents may exercise
13 all powers reasonably necessary to participate as a full and independent partner in a cooperative
14 purchasing agreement, including, without limitation, the power to draw up specifications that will

1 meet the needs of the parties to the agreement, the power to advertise for bids, and the power
2 to accept or reject bids on behalf of the parties to the agreement. If the Board of Regents
3 assumes responsibility under the cooperative agreement to solicit bids for certain commodities,
4 the board shall observe all of the requirements set forth in chapter 5-18, except that the board
5 may purchase at bid price any commodities, materials, supplies, or equipment from contracts that
6 have been competitively bid by any government entity, and except that computer hardware need
7 not be purchased in the manner prescribed in chapter 5-18. In exercising the powers granted by
8 this Act, the Board of Regents is not subject to oversight by the Bureau of Administration or the
9 Bureau of Information and Telecommunications. However, the Board of Regents may not effect
10 a purchase under a cooperative agreement if the commodity specified is available at a lower price
11 under a contract let by the Bureau of Administration.