

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

357E0739

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 217 - 02/01/2001

Introduced by: Senator Daugaard and Representative Brown (Richard)

1 FOR AN ACT ENTITLED, An Act to revise the provisions for residential bid preference.

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

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

4 5-19-3. ~~When~~ If a contract is let by the state, a department thereof, any county, municipality,
5 school district, or other public corporation of the state for the erection, construction, alteration,
6 or repair of any public building, other structure, or addition thereto, or for any public work or
7 improvement or for the purchase of any goods, merchandise, supplies, or equipment of any
8 character, the contract shall be let to the lowest responsible bidder. However, a resident bidder
9 shall be allowed a preference on a contract against the bid of any bidder from any other state of
10 the United States or any state or province of any foreign country which enforces or has a
11 preference for resident bidders. The amount of the preference given to the resident bidder shall
12 be equal to the preference in the other state or province.

13 Section 2. That chapter 5-19 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 In complying with the requirements of § 5-19-3 regarding a bidder from another country, the

1 state, any department thereof, any county, municipality, school district, or other public
2 corporation may rely on an affidavit submitted with the bid stating the bidder's home country,
3 state, or province does not enforce a preference for resident bidders, or if the bidder's home
4 country, state, or province does enforce a preference for resident bidders, stating the nature and
5 extent of that preference.

6 Section 3. That chapter 5-19 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If a bidder submits an affidavit that falsely states that the bidder's home country, state, or
9 province does not enforce a preference for resident bidders or that any preference is less than it
10 actually is and if the false affidavit results in the bidder being awarded the contract, the bidder
11 shall be penalized. The bidder's penalty is the lessor of ten percent of its contract or the amount
12 of the preference enforced by its home country, state, or province. In addition to this monetary
13 penalty, the contracting public corporation may cancel the bidder's contract. Nothing in this
14 section may be deemed to impose on the state, any department thereof, any county, municipality,
15 school district, or other public corporation a duty to determine for itself the veracity of any
16 affidavit regarding preferences submitted by a bidder.