

(A) DEFINITIONS.

(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "PREFERENCE" INCLUDES:

(I) A PERCENTAGE PREFERENCE;

(II) AN EMPLOYEE RESIDENCY REQUIREMENT; OR

(III) ANY OTHER PROVISION THAT FAVORS A RESIDENT OVER A NONRESIDENT.

(3) "RESIDENT BIDDER" MEANS A BIDDER WHOSE PRINCIPAL OFFICE IS LOCATED IN THE STATE.

(B) CONDITIONS FOR PREFERENCE.

WHEN A UNIT USES COMPETITIVE SEALED BIDDING TO AWARD A PROCUREMENT CONTRACT, THE UNIT MAY GIVE A PREFERENCE TO THE RESIDENT BIDDER WHO SUBMITS THE LOWEST RESPONSIVE BID FROM A RESIDENT BIDDER IF:

(1) THE RESIDENT BIDDER IS A RESPONSIBLE BIDDER;

(2) A RESPONSIBLE BIDDER WHOSE PRINCIPAL OFFICE IS IN ANOTHER STATE SUBMITS THE LOWEST RESPONSIVE BID;

(3) THE OTHER STATE GIVES A PREFERENCE TO ITS RESIDENTS; AND

(4) A PREFERENCE DOES NOT CONFLICT WITH A FEDERAL LAW OR GRANT AFFECTING THE PROCUREMENT CONTRACT.

(C) FORM OF PREFERENCE.

A PREFERENCE UNDER THIS SECTION SHALL BE IDENTICAL TO THE PREFERENCE THAT THE OTHER STATE GIVES TO ITS RESIDENTS.

REVISOR'S NOTE: Subsections (a), (b)(1), (3), and (4), and (c) of this section are new language derived without substantive change from former SF § 11-145(a)(1) and (2), (b), and (c).

Subsection (b)(2) of this section is new language added to state expressly that which only was implied in the former law.

In subsection (a)(2) of this section, the word "preference" is substituted, as the defined term, for the former word "advantage", for clarity.