

# TEXAS BUILDING AND PROCUREMENT COMMISSION

## LIST OF STATES WITH RESIDENT BIDDER PREFERENCES

*Revised February 9, 2007*

### ALABAMA

#### ALABAMA RESIDENT BIDDER PREFERENCE

**Certain State Agencies: Preference to be given to Alabama commodities, firms, etc., Ala. Code § 41-16-57.** In the purchase of or contract for personal property or contractual services preference shall be given to Alabama person, firms, or corporations provided there is no sacrifice or loss in price or quality. Public Works contracts are specifically excluded as they are governed exclusively by Title 39 of the Code of Alabama. See reciprocal preference below.

**Generally: Manner of awarding contracts generally; records; exemptions, Ala. Code § 41-16-27.** Preference for Alabama person, firms, or corporations for purchase or contract for personal property or contractual services. Alabama business entity to have preference in contractual services and purchases of personal property regarding certain services negotiated on behalf of two-year and four-year colleges and universities.

**Highways: Purchase of motor fuels, oils, greases and lubricants, Ala. Code § 23-1-51.** All motor fuels, oils, greases and lubricants bought by or for the State Department of Transportation for use in the construction, maintenance and repair of the county roads and bridges shall be purchased from vendors and suppliers residing in the county where such motor fuels, oils, greases and lubricants are to be used.

**Local Agencies: Contracts for which competitive bidding required generally, Ala. Code § 41-16-50.** Bids for item of personal property where the county, a municipality, or an instrumentality thereof is awarding authority, may award to bidder that is resident of “local preference zone” if bid is no more than 3% greater than that of the lowest bid.

**Public Contracts: Contracts for which competitive bidding required; award to preferred vendor, Ala. Code § 41-16-20.** Public contracts of \$7,500 or more awarded to “preferred vendor” if price not more than 5% greater than lowest responsible bidder. Definition of “preferred vendor” includes priority preference ranking and centers on location of business within the state. Public Works contracts are specifically excluded as they are governed exclusively by Title 39 of the Code of Alabama. See reciprocal preference below.

#### ALABAMA RECIPROCAL PREFERENCE

**Public Works: Preference to resident contractors in letting of certain public contracts, Ala. Code § 39-3-5.** Preference given to resident contractors for public contracts using state, county, or municipal funds—application of reciprocal preference to nonresident bidder.

## ALASKA

### ALASKA RESIDENT BIDDER PREFERENCE

**Art: Art requirements for public buildings and facilities, Alaska Stat. § 35.27.020.** Use of state cultural resources and selection of Alaska resident artists for commission of art works for public buildings and facilities is encouraged.

**Pilot Program for State Procurement and Electronic Commerce Tools: Evaluation and award, HB 257, 24<sup>th</sup> Leg., Sec. 5, 2006 SLA ch. 113 (eff. Dec. 12, 2006).** Alaska bidder preference of 5% for contracts based on solicited bids; Alaska bidder offering services through an employment program shall receive 15% cost preference during evaluation; Alaska bidder that is qualifying entity shall receive 10 % cost preference during evaluation; Alaska bidder with 50% or more of the bidder’s employees qualified as persons with disabilities shall receive 10% cost preference during evaluation; Alaska bidder preference of 5% for insurance-related contracts.

**Public Contracts: Competitive Sealed Bidding--Contract award after bids, Alaska Stat. § 36.30.170.** Alaska bidder preference of 5% for contracts based on solicited bids; Alaska bidder offering services through an employment program shall be awarded contract if bid not more than 15% higher than lowest bid; Alaska bidder preference of 5% for insurance-related contracts; Alaska bidder that is “qualifying entity” shall be awarded contract if bid is not more than 10% higher than lowest bid; Alaska bidder with 50% or more of the bidder’s employees qualifying as persons with a disability shall be awarded contract if bid is not more than 10% higher than lowest bid.

**Public Contracts: Competitive Sealed Proposals--Award of contract, Alaska Stat. § 36.30.250.** Procurement officer shall take into account whether offeror qualifies as Alaska bidder in determining whether a proposal is advantageous to the state.

**Public Contracts: Evaluation of proposals, Alaska Admin. Code tit. 2, § 12.260.** Proposed price of Alaska bidder reduced by 5%; Numerical rating system—10% of total possible value assigned to proposal of Alaska bidder.

## AMERICAN SAMOA

### AMERICAN SAMOA RESIDENT BIDDER PREFERENCE

**Procurement Contracts: Local preference, Am. Samoa Code Ann. § 12.0210.** Construction bids from off-island bidders not accepted where contract value is estimated at 1.5 million dollars or less. For works valued over 1.5 million dollars 10% add-on to off-island bidder.

For goods or services, add-on percentages to bid of lowest off-island bidder applied as follows:

Up to \$10,000	25%
More than \$10,000 up to \$50,000	12%
More than \$50,000 up to \$100,000	10%
More than \$100,000 up to \$200,000	5%
More than \$200,000	-0-

Local bidder awarded contract if bid equal to or less than off-island bidder after applicable add-on percentages.

**Procurement Contracts: Local preference and evaluation, Am. Samoa Admin. Code § 10.0272.** Construction—Contract value estimated at \$50,000 or less restricted to local bidders only; contract value estimated to exceed \$50,000 add-on percentages to bid of lowest off-island bidder applied as follows:

\$50,001 to \$100,000	10%
\$100,001 to \$200,000	\$10,000 plus 5% of amount over \$100,000
More than \$200,000	\$15,000

For goods or services, add-on percentages to bid of lowest off-island bidder applied as follows:

Up to \$10,000	25%
\$10,001 to \$50,000	\$2,500 plus 12% of amount over \$10,000
\$50,000 to \$100,000	\$7,300 plus 10% of amount over \$50,000
\$100,001 to \$200,000	\$12,300 plus 5% of amount over \$100,000
More than \$200,000	\$17,300

Local bidder awarded contract if bid equal to or less than off-island bidder after applicable add-on percentages.

## ARKANSAS

### ARKANSAS RESIDENT BIDDER PREFERENCE

**Art: Selection committees, Ark. Code Ann. § 13-8-206(c)(2).** If all factors equivalent, preference given to works of art by Arkansas artists.

**Commodities: Preference of Arkansas firms, Ark. Code Ann. § 19-11-259(B).** If at least one bidder makes written claim for residency preference, preference given to resident Arkansas firm if bid not more than 5% of lowest nonresident bid. Bidder receiving preference for recycled paper may not also receive residency preference, *see* Ark. Code Ann. § 19-11-260.

**Professional Services: Evaluation of qualifications, Ark. Code Ann. § 19-11-803.** In evaluating qualifications shall consider firm's proximity to the area in which the project is located.

**Purchasing and Contracts: Priority to private industries, Ark. Code Ann. § 19-11-304.** Preference given to private industries located within Arkansas and employing Arkansas taxpayers over out-of-state penal institutions employing convict labor.

**Purchasing and Contracts: Multiple private industry bids, Ark. Code Ann. § 19-11-305.** Preference given to Arkansas bidder if bid not more than 5% over lowest nonresident private industry bidder and not more than 15% over lowest out-of-state correctional institution bidder.

## CALIFORNIA

### CALIFORNIA RESIDENT BIDDER PREFERENCE

**Agricultural Aircraft Operators: Giving contracts and purchasing supplies from residents, Cal. Gov't Code § 4361.** Preference given to agricultural aircraft operators who are residents if bids do not exceed by more than 5% lowest bid of nonresident agricultural aircraft operators.

**Art in Public Buildings: State architect and council; duties, Cal. Gov't Code § 15813.3.** Preference may be given to artists who are California residents.

**Employment and Economic Incentive Act: Worksite preference—contract for goods, Cal. Code Regs. tit. 2, § 1896.101.** For contract in excess of \$100,000, preference of 5% for California based companies with no less than 50% of labor accomplished at worksite or worksites located in program area.

**Employment and Economic Incentive Act: Hiring preference—contract for goods, Cal. Code Regs. tit. 2, § 1896.102.** Additional preferences for bidder complying with rule 1896.101 from 1% to 4% in accordance with Cal. Gov't Code § 7084.

**Employment and Economic Incentive Act: Worksite preference—contract for services, Cal. Code Regs. tit. 2, § 1896.104.** For contract for services in excess of \$100,000, preference of 5% for California companies that perform contract at worksite or worksites located in program area.

**Employment and Economic Incentive Act: Hiring preference—contract for services, Cal. Code Regs. tit. 2, § 1896.105.** Additional preferences for bidder complying with rule 1896.104 from 1% to 4% in accordance with Cal. Gov't Code § 7084.

**Enterprise Zone Act: State contracts for goods; preferences for bidders with worksites in enterprise zones, Cal. Gov't Code § 7084.** Subsection (a)—Preference of 5% when a the state prepares a solicitation for a *contract for goods* in excess of \$100,000 to California based companies who certify that not less than 50% of the labor hours required to perform the contract shall be accomplished at a worksite or worksites located in an enterprise zone.

Subsection (b)—Preference of 5% in evaluating proposals for *contracts for services* in excess of \$100,000 to California based companies who certify that not less than 90% of the labor hours required to perform the contract shall be accomplished at a worksite or worksites located in an enterprise zone.

Subsection (c)—Bidders complying with subsection (a) or (b) receive additional preference as follows:

1% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 5 to 9% of its workforce.

2% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 10 to 14% of its work force.

3% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 15 to 19% of its workforce.

4% preference given to bidders who agree to hire persons living within a targeted employment area or enterprise zone equal to 20% or more of its workforce during the period of the contract performance.

Subsection (e)—Small business bidders qualified in accordance with Section 14838 shall have preference over nonsmall business bidders.

**Local Agency Military Base Recovery Area Act: Preferences awarded to bidders on state contracts, Cal. Gov't Code § 7118.** Subsection (a)—Preference of 5% is awarded to California-based companies in *contracts for goods* in excess of \$100,000 if no less than 50% of the labor required to perform the contract is accomplished at a worksite or worksites located in a local agency military base recovery area (“LAMBRA”).

Subsection (b)—Preference of 5% is awarded to California-based companies in *contracts for services* in excess of \$100,000 if no less than 90% of the labor required to perform the contract is accomplished at a worksite or worksites located in a local LAMBRA.

Subsection (c)—Bidders complying with subsection (a) or (b) receive additional preference as follows:

1% preference for bidders who agree to hire persons living within a LAMBRA that is equal to 5 to 9% of its work force during the period of contract performance.

2% preference for bidders who agree to hire persons living within a LAMBRA that is equal to 10 to 14% of its work force during the period of contract performance.

3% preference for bidders who agree to hire persons living within a LAMBRA that is equal to 15 to 19% of its work force during the contract performance.

4% preference for bidders who hire persons living within a LAMBRA that is equal to 20% or more of its work force during the contract performance.

Subsection (e)—Small business bidder qualified in accordance with Section 14838 given preference over nonsmall business bidder.

**Public Contracts: Acquisition of information technology goods and services, Cal. Pub. Cont. Code § 12102.** Preference of 5% for small business.

**Small Business: Application of preferences, Cal. Code Regs. tit. 2, § 1896.6.** Small Businesses granted 5% preference.

**Small Business: Computing the preferences, Cal. Code Regs. tit. 2, § 1896.8.** Application of small business preference.

**Small Business: Eligibility for Certification as small business, Cal. Code Regs. tit. 2, § 1896.12.** Eligibility for certification as small business includes requirement that the principal office is located in California.

**Small Business Procurement and Contract Act: Definitions, Cal. Gov't Code § 14837.** Definition of “small business” includes requirement that the principal office of the business is located in California.

**Small Business Procurement and Contract Act: Duties of directors of General Services and other state agencies, Cal. Gov't Code § 14838.** Small business given 5% preference over the lowest responsible bidder meeting specifications in state procurement, construction contracts, and in service contracts. The maximum small business preference shall not exceed \$50,000 for any bid and the combined cost for preferences granted by law shall not exceed \$100,000.

**Target Area Contract Preference Act: Legislative declaration and intent, Cal. Gov't Code § 4531.** Preference for California based companies submitting bids or proposals for state contracts to be performed at worksites in distressed areas by persons with a high risk of unemployment when the contract is for goods or services in excess of \$100,000.00.

**Target Area Contract Preference Act: Contracts for goods; preference to companies performing contracts in distressed areas, Cal. Gov't Code § 4533.** Preference of 5% in contracts for goods in excess of \$100,000 given to California based companies that have at least 50% of the labor hours required to manufacture the goods and perform the contract performed at a worksite or worksites located in a distressed area.

**Target Area Contract Preference Act: Contracts for goods; additional preference, Cal. Gov't Code § 4533.1.** Additional preference awarded to bidders for contracts of goods in excess of \$100,000 and who comply with § 4533 in following amounts:

1% preference for bidders who agree to hire persons with high risk of unemployment equal to 5 to 9% of its work force during the period of contract performance;

2% preference for bidders who agree to hire persons with high risk of unemployment equal to 10 to 14% of its work force during the period of contract performance;

3% preference for bidders who agree to hire persons with high risk of unemployment equal to 15 to 19% of its workforce during the period of contract performance; and

4% preference for bidders who agree to hire persons with high risk of unemployment equal to 20% or more of its workforce during the period of contract performance.

**Target Area Contract Preference Act: Contracts for services; preference to companies performing contract in distressed areas, Cal. Gov't Code § 4534.** Preference of 5% in contracts for services in excess of \$100,000 given to California based companies that have no less than 90% of the labor required for the contract performed at a worksite or worksites located in a distressed area.

**Target Area Contract Preference Act: Contracts for services; additional preferences, Cal. Gov't Code § 4534.1.** Additional preference awarded to bidders for contracts for services in excess of \$100,000 and who comply with § 4534 in following amounts:

1% preference for bidders who agree to hire persons with high risk of unemployment equal to 5 to 9% of its work force during the period of contract performance;

2% preference for bidders who agree to hire persons with high risk of unemployment equal to 10 to 14% of its work force during the period of contract performance;

3% preference for bidders who agree to hire persons with high risk of unemployment equal to 15 to 19% of its workforce during the period of contract performance; and

4% preference for bidders who agree to hire persons with high risk of unemployment equal to 20% or more of its workforce during the period of contract performance.

**Target Area Contract Preference Act: Maximum preference; small business bidder preference, Cal. Gov't Code § 4535.2.** The maximum preference and incentive a bidder may be awarded under Chapter 10.5, the Target Area Contract Preference Act, is 15% and is not to exceed a cost preference of \$50,000. The combined cost of preferences and incentives granted pursuant to Chapter 10.5 and any other provision of law is not to exceed \$100,000. Small business bidders qualified in accordance with Section 14838 shall have precedence over non-small business bidders.

**Target Area Contract Preference Act: Worksite preference—purchase of goods, Cal. Code Regs. tit. 2, § 1896.31.** For contract in excess of \$100,000, preference of 5% for California based companies who certify that no less than 50% of labor shall be accomplished at worksite located in distressed area.

**Target Area Contract Preference Act: Hiring preference—purchase of goods, Cal. Code Regs. tit. 2 § 1896.32.** Additional preferences for bidder complying with rule 1896.31 from 1% to 4% in accordance with Cal. Gov't Code § 4533.1.

**Target Area Contract Preference Act: Worksite preference—contract for services, Cal. Code Regs. tit. 2, § 1896.34.** For contract for services in excess of \$100,000, preference of 5% for California based companies that perform contract at worksite or worksites located in distressed area.

**Target Area Contract Preference Act: Hiring Preference—contract for services, Cal. Code Regs. tit. 2, § 1896.35.** Additional preferences for bidder complying with rule 1896.34 from 1% to 4% in accordance with Cal. Gov't Code § 4534.1.

## CALIFORNIA RECIPROCAL PREFERENCE

**Public Contracts: California company; reciprocal preference against nonresident contractors, Cal. Pub. Cont. Code § 6107.** Application of reciprocal preference.

## COLORADO

### COLORADO RESIDENT BIDDER PREFERENCE

**Agricultural Products: Preference for state agricultural products, Colo. Rev. Stat. Ann. § 8-18-103.** Contract awarded to resident bidder who produces products in state if of equal quality, suitable for bid, sufficient in quantity, and bid price equal or not reasonably exceeding lowest bid.

**Commodities: Bid preference—state contracts, Colo. Rev. Stat. Ann. § 8-18-101(b).** In invitation for bids for commodities contract, low tie bids between resident bidder and nonresident bidder—resident bidder given preference.

**Contracts: Preferences, 1 Colo. Code Regs. Art. 111, R-24-111-102-02.** In event of tie bids for commodities, preference given to resident bidder.

**Design-Build Contracts: General procedures, Colo. Rev. Stat. Ann. § 43-1-1406.** Preference to Colorado residents.

**Professional Services: Preliminary selections, Colo. Rev. Stat. Ann. § 24-30-1403.** In selection, Colorado firms given preference when qualifications appear to be equal.

**Source Selection: Low tie Bids—award procedure and determination—bid preference, Colo. Rev. Stat. Ann. § 24-103-202.5.** In invitation for bids for supply contract, low tie bids between resident bidder and nonresident bidder—resident bidder given preference.

### **COLORADO RECIPROCAL PREFERENCE**

**Commodities and Services: Bid preference—state contracts, Colo. Rev. Stat. Ann. § 8-18-101(a).** Application of reciprocal preference.

**Construction Project: Bid preference—public projects, Colo. Rev. Stat. Ann. § 8-19-101.** Application of reciprocal preference.

**Public Projects: Resident bidder—reciprocity, Colo. Rev. Stat. Ann. § 8-19-192.5.** Application or reciprocal preference.

### **CONNECTICUT**

#### **CONNECTICUT RESIDENT BIDDER PREFERENCE**

**Purchases and Printing: Award of contracts, Conn. Gen. Stat. § 4a-59.** All other factors being equal, preference given to services originating and provided in Connecticut.

### **DELAWARE**

#### **DELAWARE RESIDENT BIDDER PREFERENCE**

**Public Works: Large public works contract procedure—preference for Delaware labor, Del. Code Ann. Tit. 29, § 6962(d)(4)(b).** Preference for Delaware laborers, workers or mechanics in the construction of all public works for the State of Delaware or any political subdivision, or by firms contracting with the State or any political subdivision thereof.

## DISTRICT OF COLUMBIA

### DISTRICT OF COLUMBIA RESIDENT BIDDER PREFERENCE

**Procurement: District-based businesses preference, D.C. Code §2-303.01.** Preference for the purchase of materials, equipment, and supplies sold by District-based businesses under rules set by the mayor.

## FLORIDA

### FLORIDA RESIDENT BIDDER PREFERENCE

**Commodities: Source Selection, bid openings and contract awards—preference to bidders within the state, Fla. Admin. Code Ann. r. 25-25.009(5).** Preference to bidders within Florida if commodities can be purchased at no greater expense, and of equal quality.

**Procurement: Minority business companies, Fla. Admin. Code Ann. r. 25-25.025.** If bids/proposals identical, preference given to minority owned company. Definition of minority and minority business contains requirement that minority is resident of Florida or business domiciled in Florida. **Fla. Stat. Ann. § 288.703.**

**Public Buildings: Preference to home industries in building public buildings, Fla. Stat. Ann. § 255.04.** In erecting or constructing any public administrative or institutional building, preference given in letting of contracts for construction to materialmen, contractors, builders, architects, and laborers who reside in Florida as long as can be employed at no greater expense than nonresident.

**Public Printing: Preference given printing within the state, Fla. Stat. Ann. § 283.35.** In contract to have materials printed, preference given to vendors located within Florida as long as printing can be done at no greater expense.

### FLORIDA RECIPROCAL PREFERENCE

**Commodities, Insurance and Contractual Services: Preference to Florida businesses, Fla. Stat. Ann. § 287.084.** Application of reciprocal preference in purchases of personal property.

## GEORGIA

### GEORGIA RESIDENT BIDDER PREFERENCE

**Art: Duties of Georgia Council for the Arts, Ga. Code Ann. § 8-5-5.** Preference may be given to artists who are Georgia residents.

**Purchasing: Preference to Georgia products, etc., Ga. Code Ann. § 50-5-60.** Intention of subsection that the state use Georgia labor.

**Purchasing: Preference to local sellers, Ga. Code Ann. § 50-5-62.** All things being equal, preference given to local sellers of Georgia products.

### **GEORGIA RECIPROCAL PREFERENCE**

**Purchasing: Preference to Georgia products, etc., Ga. Code Ann. § 50-5-60.** Application of reciprocal preference.

### **GUAM**

#### **GUAM RESIDENT BIDDER PREFERENCE**

**Art in Public Buildings: Arts in public buildings and facilities, Guam Code Ann. tit. 1, § 852.** Preference for local artists if available.

**Procurement: Local procurement preference, 2 Guam Admin. R. & Regs. § 1104.** All procurement of supplies, and procurement of services shall be made from among businesses licensed to do business on Guam and that maintain an office or other facility on Guam.

**Procurement: Policy in favor of local procurement, Guam Code Ann. tit. 5, § 5008.** All procurement of supplies and services shall be made from among businesses licensed to do business on Guam and that maintain an office or other facility on Guam.

### **HAWAII**

#### **HAWAII RESIDENT BIDDER PREFERENCE**

**Economic Development: Contracts, Haw. Rev. Stat. § 201-4.** The department of business, economic development and tourism may contract with qualified private and public agencies, associations, firms, or individuals provided that preference is given to contractors within the state.

**Procurement Policy: Evaluation procedure and contract award—Hawaii products, Haw. Code R. § 3-124-5.** Order of preferences where more than one preference applicable.

**Procurement Policy: Evaluation procedure and contract award—Printing, binding, and stationery, Haw. Code R. § 3-124-12.** Order of preferences where more than one preference applicable.

**Procurement Policy: Evaluation procedure and contract award—Reciprocal, Haw. Code R. § 3-124-18.** Order of preferences where more than one preference applicable.

**Procurement Policy: Evaluation procedure and contract award—Recycled products, Haw. Code R. § 3-124-25.** Order of preferences where more than one preference applicable.

**Procurement Policy: Solicitation procedures—Software development businesses, Haw. Code R. § 3-124-34.** Hawaii software development businesses given 10% preference for evaluation.

**Procurement Policy: Evaluation procedure and contract award—Software development businesses, Haw. Code R. § 3-124-35.** Order of preferences where more than one preference applicable.

**Procurement Policy: Evaluation procedure and contract award—Tax preference, Haw. Code R. § 3-124-55.** Order of preferences where more than one preference applicable.

**Procurement Policy: Evaluation procedure and contract award—Qualified Community Rehabilitation Programs, Haw. Code R. § 3-124-64.** Order of preferences where more than one preference applicable.

**Software Development: Software development businesses, Haw. Rev. Stat. § 103D-1006.** In any expenditure of public funds for software development, use of Hawaii software development businesses preferred. Bids of non-Hawaii software development businesses increased by certain percentage set by rule.

#### **HAWAII RECIPROCAL PREFERENCE**

**Procurement: Reciprocity, Haw. Rev. Stat. § 103D-1004.** Application of reciprocal preference. Definition of “resident bidder” used by other state in applying preference applies.

**Procurement Policy: Applicability--Reciprocal, Haw. Code R. § 3-124-17.** Application of reciprocal preference.

#### **IDAHO**

##### **IDAHO RESIDENT BIDDER PREFERENCE**

**Property: Requisitions for property—Notice—Form—Guarantee—Procedure for bidding, Idaho Code Ann. § 67-5718.** Preference given to bidders having a significant Idaho economic presence.

**Purchasing: Tie Bids—Award, Idaho Admin. Code r. 38.05.01.082.** To discourage tie bid, may award to an Idaho resident or an Idaho domiciled bidder .

##### **IDAHO RECIPROCAL PREFERENCE**

**Paper: Preference for Idaho suppliers and recycled paper products for purchases, Idaho Code Ann. § 67-2349.** Application of reciprocal preference. Bidder domiciled outside the boundaries of Idaho considered Idaho domiciled bidder if significant Idaho economic presence for one year preceding the date of the bid.

**Public Works: Preference for Idaho domiciled contractors on public works, Idaho Code Ann. § 67-2348.** Application of reciprocal preference.

## ILLINOIS

### ILLINOIS RESIDENT BIDDER PREFERENCE

**Commodities: Purchase for public institutions of commodities in other states; preferences, 30 Ill. Comp. Stat. Ann. 520/2.** In purchasing commodities from vendors in other state, give preference to vendors whose home state does not prohibit purchase of Illinois commodities.

**Procurement: Resident Bidder Preference, Ill. Admin. Code tit. 44, 1.4510.** In breaking a tie, award given to resident vendor.

**Purchases: Resident Vendor Preference, Ill. Admin. Code tit. 44, 500.1110(c).** In breaking a tie, award given to resident vendor.

### ILLINOIS RECIPROCAL PREFERENCE

**Contracts: Resident bidders, 30 Ill. Comp. Stat. Ann. 500/45-10.** Application of reciprocal preference.

**Purchases: Resident Vendor Preference, Ill. Admin. Code tit. 44, 500.1110(a).** Application of reciprocal preference.

## INDIANA

### INDIANA RESIDENT BIDDER PREFERENCE

**Public Works: Preference rules, Ind. Code Ann. § 4-13.6-6-2.5.** Department of Administration may adopt rules to give preference to Indiana Business.

**Public Works: “Indiana business”; price preferences, Ind. Code Ann. § 4-13.6-6-2.7.**

(c) Price preferences for contractor that is Indiana Business:

- (1) 5% for contract expected to be less than \$500,000
- (2) 3% for contract expected to be at least \$500,000 but less than \$1,000,000
- (3) 1% for contract expected to be at least \$1,000,000

(d) Contract awarded to lowest responsive and responsible contractor regardless of preference if:

- (1) contractor is Indiana contractor; or
- (2) nonresident contractor from state bordering Indiana and the home state does not provide a preference to home state’s contractors more favorable than is provided by Indiana law to Indiana contractors.

**Purchasing Preferences: Preference to Indiana businesses; rules, Ind. Code Ann. § 5-22-15-20.** Governmental body, except state lottery commission, may adopt rules to give preference to Indiana business under certain circumstances. Rules may not give preference that is more favorable to Indiana business than the other state’s preference to other state’s businesses. Rules must provide that contract

awarded to lowest responsive and responsible offeror, regardless of preferences, if offeror is Indiana business or offeror is nonresident from state bordering Indiana and the home state does not provide a preference to home state's businesses more favorable than is provided by Indiana law to Indiana businesses.

**Purchasing Preferences: Preferences for supplies, Ind. Code Ann. § 5-22-15-20.5.**

(d) Price preferences for supplies purchased from Indiana business:

- (1) 5% for purchase expected to be less than \$500,000
- (2) 3% for purchase expected to be at least \$500,000 but less than \$1,000,000
- (3) 1% for purchase expected to be at least \$1,000,000

(e) Contract awarded to lowest responsive and responsible offeror regardless of preference if:

- (1) offeror is Indiana business; or
- (2) offeror is nonresident from state bordering Indiana and the home state does not provide preference to home state's businesses more favorable than is provided by Indiana law to Indiana businesses.

**Small Business: Price preference for supplies to Indiana small businesses, Ind. Code Ann. § 5-22-15-23.** Governmental body shall give 15% preference for supplies to Indiana small business.

**State Policy: Establishment of the "Buy Indiana" presumption, Ind. Exec. Order No. 05-05 (Jan. 10, 2005).** State procurement subject to a "Buy Indiana" presumption requiring state agencies to buy their supplies and services from "Indiana businesses." Department of Administration to increase percentage of state procurement from Indiana businesses to 90% of state's total procurement volume.

## IOWA

### IOWA RESIDENT BIDDER PREFERENCE

**Art in State Buildings: Competition of artists, Iowa, code Ann. § 304A.13.** Preference given to works by living or deceased Iowa artists.

**Counties: Contracts, Iowa Code Ann. § 331.341.** Board of supervisors of a county

**Goods and Services of General Use: Preferred products and vendors, Iowa Admin. Code r. 11—105.5(8A).** 105.5(2)—Preference to Iowa-based businesses. Make every effort to support Iowa-based businesses. Tied responses to solicitations decided in favor of Iowa-based business.

**Purchasing: Competitive bidding—preferences—reciprocal application—direct purchasing, Iowa Code Ann. § 8A.311.** Preference given to Iowa-based businesses if comparable in price to bids submitted by out-of-state businesses.

**Small Business: Procurements from small businesses—goals, Iowa Code Ann. § 73.16.** Requirement to purchase goods and services supplied by small businesses and establish procurement goal of at least 10% coming from such purchase.

**Transportation: Contract award, Iowa Admin. Code r. 761—20.4(307).** 20.4(6)(b)—Tie bids. First preference to Iowa bidder.

### **IOWA RECIPROCAL PREFERENCE**

**Public Contracts and Bonds: Reciprocal resident bidder preference by state, its agencies, and political subdivisions, Iowa Code Ann. § 73A.21.** Application of reciprocal preference. If another state has more stringent definition of resident bidder, the more stringent definition is applicable as to bidders from that state.

**Purchasing: Competitive bidding—preferences—reciprocal application—direct purchasing, Iowa Code Ann. § 8A.311.** Application of reciprocal preference.

## **KANSAS**

### **KANSAS RESIDENT BIDDER PREFERENCE**

**Contract and Purchases: Competitive bids; price preferences, Kan. Stat. Ann. § 75-3740.** Tie bids awarded to resident bidder.

### **KANSAS RECIPROCAL PREFERENCE**

**Contracts and Purchases: State and local government contracts; bidders domiciled in other states, Kan. Stat. Ann. § 75-3740a.** Application of reciprocal preference.

## **KENTUCKY**

### **KENTUCKY RESIDENT BIDDER PREFERENCE**

**Commonwealth Bond Counsel Business: Preference for Kentucky firms, Ky. Rev. Stat. Ann. § 45A.873(2).** Resident bidder ranked one place ahead of out-of-state firm in tie vote.

### **KENTUCKY RECIPROCAL PREFERENCE**

**Commonwealth Bond Counsel Business: Preference for Kentucky firms, Ky. Rev. Stat. Ann. § 45A.873(1)(a).** Application of reciprocal preference.

## **LOUISIANA**

### **LOUISIANA RESIDENT BIDDER PREFERENCE**

**Competitive Sealed Bidding: Tie bids, La. Admin. Code tit. 34, § 529(B)(1).** Preference to resident business in tie bid if no sacrifice or loss of quality.

**Land-Based Casino Contracts: Utilization of Louisiana goods and services, La. Rev. Stat. Ann. § 27:246.** Preference and priority given to Louisiana residents, laborers, vendors, and suppliers in contracts for goods and services if reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operational efficiency.

**Materials, Supplies and Provisions: Preference to firms doing business in state, La. Rev. Stat. Ann. § 38:2253.** All things being equal, preference given to firms doing business in Louisiana. Preference inferior to and superseded where conflicting with La. Rev. Stat. Ann. § 38:2251 (Louisiana products preferences).

**Materials, Supplies and Provisions: Printing contracts, La. Rev. Stat. Ann. § 38:2255.** For purchases of printing, lithographing, embossing, engraving, binding, record books, printed supplies, stationery and office supplies and equipment, shall be purchased from Louisiana firms and printing, lithographing, embossing, engraving, and binding done in Louisiana by Louisiana firms unless bid submitted by firm outside Louisiana is 3% lower. Does not apply to specialized forms and printing, such as continuous forms, margin punched forms, football tickets, 24 sheet poster, music printing, steel dye and lithographed bonds, decalcomanias, revenue stamps, lithographing and bronzing on acetate, college annuals, fine edition binding, and books.

**Materials, Supplies and Provisions: Supplies not ordinarily obtainable from Louisiana firms, La. Rev. Stat. Ann. § 38:2256.** Permissible to purchase supplies not ordinarily obtainable from Louisiana firms from applicable non-resident firms—however Louisiana firms shall be given opportunity to furnish supplies and given preference.

**Public Contracts: Preference given to supplies, material, or equipment produced or offered by Louisiana citizens, La. Rev. Stat. Ann. § 38:2184.** Cost and quality being equal, preference to supplies, material, or equipment produced or offered by Louisiana citizens.

**Public Contracts: Preference for products produced or manufactured in Louisiana, La. Rev. Stat. Ann. § 38:2251.** Preferences only apply to bidders whose Louisiana business workforce is comprised of a minimum of 50% of Louisiana residents.

**(B).** For purchases of agricultural or forestry products, including meat, seafood, produce, eggs, paper or paper products, preference given as long as product meets Louisiana product criteria; product is equal to or better in quality; and cost does not exceed by more than 10% the cost of other products.

**(D).** For purchases of meat and meat products which are further processed in Louisiana under the grading and certification service of the Louisiana Department of Agriculture and Forestry, preference given if equal in quality to other meat and meat products and cost does not exceed by more than 7% cost of other products.

**(E).** For purchases of domesticated or wild catfish which are processed in Louisiana but grown outside Louisiana, preference given if equal in quality and cost does not exceed by more than 7% cost of catfish processed outside Louisiana.

(G). For purchases of produce processed in Louisiana but grown outside Louisiana, preference given if equal in quality and cost does not exceed by more than 7% cost of produce processed outside Louisiana.

(H). Except as otherwise provided in this Section, for purchases of materials, supplies, or equipment which are Louisiana products, preference given if equal in quality; cost of such items does not exceed cost by more than 10% of the cost of other items manufactured, processed, produced, or assembled outside the state; and vendor agrees to sale price equal to lowest bid offered.

Preferences do not apply to Louisiana products whose source is a clay which is mined or originates in Louisiana, and which is manufactured, processed or refined in Louisiana for sale as an expanded clay aggregate form different than its original state; do not affect preferences applicable to brick manufacturers; do not apply to fire fighting or rescue equipment; and do not apply to treated wood poles and piling.

Furthermore, provisions do not apply to drainage district or sewerage and water board located in a municipality with population in excess of 500,000 wherein the cost of products produced or manufactured in the state of Louisiana does not exceed by more than 5% the cost of products which are equal in quality to products produced or manufactured outside of the state in purchases of one million dollars or more, as provided by Acts 880 and 693 of the 1985 Regular Session of the Louisiana Legislature.

**Public Contracts: Requests for bids and proposals to contain reference to preference, La. Rev. Stat. Ann. § 38:2252.** Requests for bids and proposals must contain following language: “Preference is hereby given to materials, supplies and provisions, produced, manufactured or grown in Louisiana, quality being equal to articles offered by competitors outside of the state.”

**Retail: Preference for items purchased from Louisiana retailers, La. Rev. Stat. Ann. § 39:1595.5.** When purchasing items at retail, purchase shall be from retail dealer located in Louisiana as long as equal in quality and cost does not exceed by more than 10% cost of items from retail dealer located outside state.

**Rodeos and Livestock Shows: Preference in awarding contracts for certain services, La. Rev. Stat. Ann. § 39:1595.3.** For services to organize or administer rodeos and livestock shows, where state-owned facilities used to house or contain such activities, preference given in-state vendors if services equal in quality and does not exceed cost by more than 10% services available from outside state.

**Small Purchase Procedures: Governor Kathleen Babineaux Blanco, Louisiana Executive Order No. KBB 2004-30 (Aug. 20, 2004).** Pursuant to La. Rev. Stat. Ann. § 39:1596 authorizing the governor to establish procedures for procurement of small purchases, Louisiana businesses should be utilized to the greatest extent possible when soliciting prices.

**Source Selection: Preference for all types of products produced, manufactured, assembled, grown, or harvested in Louisiana, La. Rev. Stat. Ann. § 39:1595.** Preferences only apply to bidders whose Louisiana business workforce is comprised of a minimum of 50% of Louisiana residents.

(B). For purchases of agricultural or forestry products, including meat, seafood, produce, eggs, paper or paper products, preference given as long as product meets Louisiana product criteria; product is equal to or better in quality; and cost does not exceed by more than 10% the cost of other products.

(D). For purchases of meat and meat products which are further processed in Louisiana under the grading and certification service of the Louisiana Department of Agriculture and Forestry, preference given if equal in quality to other meat and meat products and cost does not exceed by more than 7% cost of other products.

(E). For purchases of domesticated or wild catfish which are processed in Louisiana but grown outside Louisiana, preference given if equal in quality and cost does not exceed by more than 7% cost of catfish processed outside Louisiana.

(F). For purchases of produce processed in Louisiana but grown outside Louisiana, preference given if equal in quality and cost does not exceed by more than 7% cost of produce processed outside Louisiana.

(G). For purchases of eggs or crawfish which are further processed in Louisiana under the grading service of the Louisiana Department of Agriculture and Forestry, preference given if equal in quality and cost does not exceed by more than 7% cost of other eggs or crawfish.

(H). Except as otherwise provided in this Section, for purchases of materials, supplies, products, provisions, or equipment which are manufactured, or assembled in Louisiana, preference given if equal in quality; cost of such items does not exceed cost by more than 10% of the cost of other items manufactured, processed, produced, or assembled outside the state; and vendor agrees to sale price equal to lowest bid offered.

Preferences do not apply to Louisiana products whose source is a clay which is mined or originates in Louisiana, and which is manufactured, processed or refined in Louisiana for sale as an expanded clay aggregate form different than its original state; do not affect preferences applicable to brick manufacturers; and do not apply to treated wood poles and piling.

## LOUISIANA RECIPROCAL PREFERENCE

**Public Works: Preference in letting contracts for public work, La. Rev. Stat. Ann. § 38:2225.** Application of reciprocal preference for contractors bidding on public work.

**Source Selection: Preference in awarding contracts, La. Rev. Stat. Ann. § 39:1595.1.** Application of reciprocal preference for contract by any public entity. Does not apply to contracts for construction, maintenance, or repair of highways and streets.

**Source Selection: Preference in letting contracts for public work, La. Rev. Stat. Ann. § 39:1595.2.** Application of reciprocal preference.

**Transportation Department: Preference in letting contracts for public works, La. Rev. Stat. Ann. § 48:255.6.** Application of reciprocal preference for projects of Department of Transportation and Development.

## MAINE

### MAINE RESIDENT BIDDER PREFERENCE

**Labor: Local residents preferred; exception, Me. Rev. Stat. Ann. Tit. 26, § 1301.** Preference to workmen and bidders who are residents of Maine for contracts for constructing, altering, repairing, furnishing or equipping buildings or public works.

**Purchasing: Bids, awards and contracts, Me. Rev. Stat. Ann. Tit. 5, § 1825-B(8).** Tie bid awarded to in-state bidders.

### MAINE RECIPROCAL PREFERENCE

**Purchasing: Bids, awards and contracts, Me. Rev. Stat. Ann. Tit. 5, §1825-B(9).** Application or reciprocal preference.

## MARYLAND

### MARYLAND RESIDENT BIDDER PREFERENCE

**Procurement: Resident bidders; resident offerors, Md. Code Ann., State Fin. & Proc. § 14-401.** Application of preference to resident bidders, offerors including preference application similar to reciprocity.

### MARYLAND RECIPROCAL PREFERENCE

**Local Subdivisions: Definitions, Md. Code Ann. art. 24, § 8-102.** Application of reciprocal preference to Maryland business entity.

**Procurement: Reciprocal Preferences, Md. Code Regs. 21.05.01.04.** Conditions and application for giving preference to resident business.

## MICHIGAN

### MICHIGAN RESIDENT BIDDER PREFERENCE

**Counties: County purchasing, Mich. Comp. Laws § 45.85.** Other things being equal, supplies offered by bidders with established local business in county have preference.

**Purchasing: Purchases of supplies, Mich. Comp. Laws § 18.1261.** All other things being equal, preference given to products manufactured or services offered by Michigan-based firms.

## MICHIGAN RECIPROCAL PREFERENCE

**Purchasing: Bidders for state contracts; preference, Mich. Comp. Laws § 18.1268.** Application of reciprocal preference.

## MINNESOTA

### MINNESOTA RESIDENT BIDDER PREFERENCE

**Building and Construction: Contracts; award, Minn. Stat. Ann. § 16C.28.** For construction contracts preferences for small businesses and reciprocal preference apply but not cumulative.

**Small Business: Preference procurements from economically disadvantaged small businesses, Minn. R. 1230.1830.** For commodities and services, small business awarded up to 6% preference. For Construction projects, small business awarded up to 4% preference.

**State Contracts: Tied Bids, Minn. R. 1230.0900.** Preference given to Minnesota firm.

**Procurement: Designation of procurements from small businesses, Minn. Stat. Ann. § 16C.16.** For specified goods or services, may award up to 6% preference to small-targeted group businesses. For construction contracts, may award up to 4% preference to small businesses located in economically disadvantaged area.

### MINNESOTA RECIPROCAL PREFERENCE

**Building and Construction: Contracts; award, Minn. Stat. Ann. § 16C.28.** For construction contracts preferences for small businesses and reciprocal preference apply but not cumulative.

**Procurement: Acquisitions, Minn. Stat. Ann. § 16C.06.** Application of reciprocal preference.

## MISSISSIPPI

### MISSISSIPPI RESIDENT BIDDER PREFERENCE

**Motor Vehicle: Certain motor vehicle purchases, Miss. Code Ann. § 31-7-18.** Authorization to accept the lowest bid received from motor vehicle dealer domiciled within county of governing authority for certain motor vehicles and price not greater than 3% of price or cost dealer pays manufacturer.

**Printing, Stationery and Office Supplies: Definiteness of bids and contracts, Miss. Code Ann. § 19-13-111.** Where bids equal in all respects, preference given to citizens of Mississippi.

### MISSISSIPPI RECIPROCAL PREFERENCE

**Contractors: Resident contractor preference, Miss. Code Ann. § 31-7-47.** Application of reciprocal preference in letting of public contracts.

**Engineers and Land Surveyors: Supervision of public works by engineer, Miss. Code Ann. § 73-13-45.** Application of reciprocal preference for public contracts for professional engineering services.

**Public Contracts: Bidding process and requirements, Miss. Code Ann. § 31-3-21.** Application of reciprocal preference in letting of public contracts.

## MISSOURI

### MISSOURI RESIDENT BIDDER PREFERENCE

**Counties: Preference in bids (second class counties), Mo. Ann. Stat. § 50.780.** Preference to merchants and dealers within the county may be given by county commissioners, provided the price is not above that offered elsewhere.

**Higher Education: Preference for Missouri products, Mo. Code Regs. Ann. Tit. 6, § 250-3.020(1)(D).** University of Missouri—Preference given to Missouri firms, corporations or individuals.

**State Purchases: Preference to Missouri products and firms, Mo. Ann. Stat. § 34.070.** Preference given to Missouri firms, corporations or individuals, when quality is equal or better and delivered price is same or less. Preference also given whenever competing bids, in their entirety, are comparable.

**State Purchases: Missouri businesses, performance of jobs or services, preference, when, Mo. Ann. Stat. § 34.073.** In letting contracts for performance of job or service, preference given to Missouri firms, corporations, or individuals, or entities that maintain Missouri offices or places of business, when quality is equal or better and price is same or less. Preference also given whenever competing bids, in their entirety, are comparable.

### MISSOURI RECIPROCAL PREFERENCE

**State Purchases: Missouri contractors, public works, preference, when, exceptions, Mo. Ann. Stat. § 34.076.** Application or reciprocal preference for contract for public works or product.

## MONTANA

### MONTANA RECIPROCAL PREFERENCE

**Public Contracts: State contracts to lowest bidder—reciprocity, Mont. Code Ann. § 18-1-102.** Application of reciprocal preference for purchase of goods and for construction, repair, and public works of all kinds.

**State Printing: Printing, binding, and stationery work, Mont. Code Ann. § 18-7-107.** Application of reciprocal preference for all printing, binding, and stationery work for the state of Montana.

**State Procurement: Reciprocal preference, Mont. Admin. R. 2.5.408.** Application of reciprocal preference for bids; application of reciprocal preference for invitation for bids for supplies, printing, and nonconstruction services for public works.

## NEBRASKA

### NEBRASKA RESIDENT BIDDER PREFERENCE

**Awards: Tie bids and preference, 9 Neb. Admin. Code § 4-003.** Nebraska vendors given preference in tie bids.

**Blind and Visually Impaired, Commission for: In-state providers, 192 Neb. Admin. Code § 1-005.05.** Preference given to Nebraska service providers and businesses; restrictions on out-of-state vendors.

**Business Assistance Division: Contracts, Neb. Rev. Stat. § 81-1276.** Division to give preference to entities based in or operating in Nebraska.

**Nebraska Arts Council: Artists; how chosen, Neb. Rev. Stat. § 82-323.** Council shall give preference to regional artists.

### NEBRASKA RECIPROCAL PREFERENCE

**Awards: Tie bids and preference, 9 Neb. Admin. Code § 4-003.** Application of reciprocal preference.

**Public Lettings: Resident bidder, defined; preference, Neb. Rev. Stat. § 73-101.01.** Application of reciprocal preference.

## NEVADA

### NEVADA RECIPROCAL PREFERENCE

**State Purchasing: Inverse preference imposed on certain bidders resident outside State of Nevada, Nev. Rev. Stat. Ann. § 333.336.** Shall impose reciprocal preference to nonresident bidders.

## NEW JERSEY

### NEW JERSEY RECIPROCAL PREFERENCE

**Public Works and Printing: Bidder with principal place of business in another state with laws or regulations causing disadvantage in another state, N.J. Stat. Ann. § 52:32-1.4.** Application of reciprocal preference.

**Vendors: Preference laws; out-of-state vendors, N.J. Admin. Code § 17:12-2.13.** Application of reciprocal preference.

## NEW MEXICO

### NEW MEXICO RESIDENT BIDDER PREFERENCE

**New York Exemption: Equal procurement access for New York businesses, N.M. Stat. § 13-1-21.2.** New York state business enterprises treated as New Mexico resident businesses or resident manufactures for all procurement purposes.

**Procurement: Application of preferences, N.M. Stat. § 13-1-21.** Application of 5% preference for bids from resident businesses and resident manufacturers; application of 10% preference for resident businesses and resident manufacturers; section does not apply to purchase of buses.

**Procurement: Statutory preferences, N.M. Code R. § 1.4.1.25.** Statutory preferences applied in determining low bidder—preferences for resident businesses, resident manufacturers, New York state business enterprises, and resident construction contractors.

**Professional Services: Architects; engineer; landscape architects; surveyor; selection process, N.M. Stat. § 13-1-120.** Selection committee may consider amount of design work that will be produced by a New Mexico Business within this state and proximity to or familiarity with the area in which the project is located.

**Public Works: Contracts, N.M. Stat. § 13-4-1.** Award all contracts for construction of public works or for repair, reconstruction, including highway reconstruction, demolition or alteration thereof, to resident contractor whenever practicable.

**Public Works: Resident contractor defined; application of preference, N.M. Stat. § 13-4-2.** Application of 5% preference for resident contractor.

**Residency: Resident business and manufacturer certification, N.M. Stat. § 13-1-22.** Resident business or manufacturer must qualify with state purchasing agent to receive preferences.

**Telecommunications: Relay system enabling impaired individuals to communicate, N.M. State § 63-9F-6.** Application of 5% preference for resident.

## NEW YORK

### NEW YORK SANCTIONS ON NONRESIDENT BIDDERS

**State Purchasing: Purchasing restrictions—Special provisions relating to retaliating against other jurisdictions which discriminate against New York State enterprises in their procurement of products and services, N.Y. State Fin. Law § 165(6).**

a. As used in this subdivision, the following terms shall have the following meanings unless a different meaning appears from the context:

(i) "Discriminatory jurisdiction" shall mean any other country, nation, province, state or political subdivision thereof which employs a preference or price distorting mechanism to the detriment of or otherwise discriminates against a New York state business enterprise in the procurement of commodities and services by the same or a non-governmental entity influenced by the same. Such discrimination may include, but is not limited to, any law, regulation, procedure or practice, terms of license, authorization, or funding or bidding rights which requires or encourages any agency or instrumentality of the state or political subdivision thereof or nongovernmental entity influenced by the same to discriminate against a New York state business enterprise.

(ii) "Foreign business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale, lease or other form of exchange, commodities sought by any state agency and which are substantially produced outside New York state or services, other than construction services, sought by any state agency and which are substantially performed outside New York state. For purposes of construction services, foreign business enterprise shall mean a business enterprise, including a sole proprietorship, partnership or corporation, which has its principal place of business outside New York state.

(iii) "New York state business enterprise" shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which offers for sale or lease or other form of exchange, commodities which are substantially manufactured, produced or assembled in New York state, or services, other than construction services, which are substantially performed within New York state. For purposes of construction services, a New York state business enterprise shall mean a business enterprise, including a sole proprietorship, partnership, or corporation, which has its principal place of business in New York state.

b. The commissioner of economic development shall have the power and it shall be his or her duty to prepare a list of all discriminatory jurisdictions. The commissioner of economic development shall add to or delete from said list any jurisdiction upon good cause shown. The commissioner of economic development shall deliver a copy of the list to the commissioner, all state agencies, and every public authority and public benefit corporation, a majority of the members of which consist of persons either appointed by the governor or who serve as members by virtue of holding a civil office of the state, or a combination thereof.

c. In including any additional business enterprises on solicitations for the procurement of commodities or services, the commissioner and all state agencies shall not include any foreign business enterprise which has its principal place of business located in a discriminatory jurisdiction contained on the list prepared by the commissioner of economic development pursuant to paragraph b of this subdivision, except, however, business enterprises which are New York state business enterprises as defined by this subdivision.

d. A state agency shall not enter into a contract with a foreign business enterprise, as defined by this subdivision, which has its principal place of business located in a discriminatory jurisdiction

contained on the list prepared by the commissioner of economic development pursuant to paragraph b of this subdivision. The provisions of this paragraph and paragraph c of this subdivision may be waived by the head of the state agency if the head of the state agency determines in writing that it is in the best interests of the state to do so. The head of the state agency shall deliver each such waiver to the commissioner of economic development.

e. The commissioner may waive the application of the provisions of paragraph c of this subdivision whenever he or she determines in writing that it is in the best interests of the state to do so.

**New York State Office of General Services Procurement Services Group, Appendix A, Standard Clauses for New York State Contracts, Clause 21. Reciprocity and Sanctions Provisions (June, 2006).**

Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

**NORTH CAROLINA**

**North Carolina Resident Bidder Preference**

**Purchases and Contracts: Preference given to North Carolina products and citizens, N.C. Gen. Stat. Ann. § 143-59(a).** Preference given as far as practicable to products or services furnished by or through citizens of North Carolina.

**North Carolina Reciprocal Preference**

**Purchases and Contracts: Reciprocal preferences, N.C. Gen. Stat. Ann. § 143-59(B).** Application of reciprocal preference for contracts valued over \$25,000.

**NORTH DAKOTA**

**NORTH DAKOTA RECIPROCAL PREFERENCE**

**Atmospheric Resource Board: Award of contracts, N.D. Admin. Code 89-07-02-26.** In awarding any contract, if all other factors are equal, reciprocal preference given to North Dakota Bidders.

**Evaluating Bids: application of preference for North Dakota vendors, N.D. Admin. Code 4-12-11-02.** Application of reciprocal preference.

**Procurement: Preference to North Dakota bidders, sellers, and contractors, N.D. Cent. Code § 44-08-01.** Application of reciprocal preference in purchasing any goods, merchandise, supplies, or equipment of any kind; or contracting to build or repair any building, structure, road, or other real property; or when accepting bids for the provision of professional services, including research and consulting services.

## OHIO

### OHIO RESIDENT BIDDER PREFERENCE

**Contract Bidding: preference for U.S. and Ohio Products; bordering states, Ohio Rev. Code Ann. § 125.09.** Preference for Ohio products—bidders with a significant Ohio economic presence qualify for award on same basis as if products were produced in Ohio. Vendors from border states who do not impose greater restrictions on Ohio bidders are treated as Ohio bidders. Non-Ohio business restricted from bidding on printing contracts if home state excludes Ohio businesses from bidding on state printing contracts.

**Printing: Printing to be done within state; exception for special paper, Ohio Rev. Code Ann. § 125.56.** All printing to be executed within Ohio except for printing contracts requiring special, security paper. Preference given to Ohio bidders in printing contracts requiring special, security paper as long as the price is not a price that exceeds by more than 5% the lowest price submitted on a non-Ohio bid.

**Local Entities: Model system of preference, Ohio Admin. Code 123:5-1-11.** Bidders with significant Ohio economic presence qualify for award of contract on same basis as products produced in Ohio. Preference to Ohio bids or bidders from border states, provided border state imposes no greater restrictions than contained in this rule.

**Purchasing: Implementation of domestic Ohio bid preference, Ohio Admin. Code 125:5-1-06.** Domestic Ohio Bid preference with respect to supply and service contracts, other than construction contracts. A preference is awarded to an “Ohio bid” as long as the price does not exceed by more than 5% the lowest price submitted on a non-Ohio bid.

Preference is awarded to Ohio bids or bidders who are located in a border state, provided that the border state does not impose a greater restriction than contained in the Ohio Revised Code, § 125.09 and § 125.11.

**Preferences: Procedure for Application of preferences, Ohio Department of Administrative Services, General Services Division, Domestic & In-State Preferences, PUR-003 (rev. Nov. 1, 2006).** List of preferences and order of application for specified bid situations.

### OHIO RECIPROCAL PREFERENCE

**Local Entities: Preference for public improvement contracts, Ohio Admin. Code 123:5-1-11(D).** Preference to contractor having principal place of business in Ohio on a reciprocal basis.

**Public Improvements: Preference to Ohio contractors, Ohio Rev. Code Ann. § 153.012.** Application of reciprocal preference in favor of contractors who have their principal place of business in Ohio, for construction, public improvement, including highway improvement, contracts.

## OKLAHOMA

### OKLAHOMA RESIDENT BIDDER PREFERENCE

**Hospitals: Contracts—Bids—Notice—Preference, Okla. Stat. Ann. tit. 19, § 788(c).** When quality and prices equal, preference given construction contractors domiciled, having and maintaining offices in and being citizen taxpayers of Oklahoma.

**Public Works: Oklahoma labor and materials in construction or repair of state institutions, Okla. Stat. Ann. tit. 61, § 9.** All contracts that expend state funds for construction or repair of state institutions shall require employment of Oklahoma labor if available and quality equal and price no higher than out-of-state labor.

**Public Works: Preference for Oklahoma labor and materials in certain construction, Okla. Stat. Ann. tit. 61, § 10.** Construction or repair of institutions require employment of Oklahoma labor if available and quality equal and price no higher than out-of-state labor.

### OKLAHOMA RECIPROCAL PREFERENCE

**Public Works: Preference to Oklahoma domiciled contractors, Okla. Stat. Ann. tit. 61, § 14.** Application of reciprocal preference for contractors.

**Purchasing: Bidding preferences—Reciprocity, Okla. Stat. Ann. tit. 74, § 85.17A.** Application of reciprocal preference.

## OREGON

### OREGON RESIDENT BIDDER PREFERENCE

**Contract Preferences: Preference for Oregon Supplies and Services; Tie-Offers, Or. Admin. R. 125-246-0300.** Award identical offers for architectural, engineering or land surveying services, or related services to services produced in Oregon.

**Department of Energy: Basic Policy, Or. Admin. R. 330-120-0005.** In award between equally qualified bidders, preference given to residents of Oregon and resident businesses which have their home office or headquarters in Oregon.

**Highway and Bridge Projects: Tie Offers, Or. Admin. R. 731-005-0660.** If no federal funds involved, preference for Offeror whose principal offices or headquarters are located in Oregon.

## OREGON RECIPROCAL PREFERENCE

**Construction Services: Evaluation and Award, Or. Admin. R. 125-249-0390(6)(a).** Application of reciprocal preference.

**Construction Services Model Rules: Offer Evaluation and Award, Or. Admin. R. 137-049-0390(6)(a).** Application of reciprocal preference.

**Contract Preferences: Reciprocal Preferences, Or. Admin. R. 125-246-0310.** Application of reciprocal preference.

**Highway and Bridge Projects: Offer Evaluation and Award, Or. Admin. R. 731-005-0650(4).** Application of reciprocal preference.

**Public Contracting Model Rules: Reciprocal Preferences, Or. Admin. R. 137-046-0310.** Application of reciprocal preference.

**Public Contracting: Preference for Oregon goods and services; nonresident bidders, Or. Rev. Stat. Ann. § 279A.120.** Application of reciprocal preference.

## PENNSYLVANIA

### PENNSYLVANIA RESIDENT BIDDER PREFERENCE

**Allentown: Bidding Process, 339 Pa. Code § 11.8-815.** Resident businesses of Allentown receive 5% local preference, but not to exceed \$2,500 in awarding bids.

### PENNSYLVANIA RECIPROCAL PREFERENCE

**Procurement: Reciprocal limitations, 62 Pa. Cons. Stat. Ann. § 107.** Application of reciprocal preference for certain contracts for construction or supplies.

## RHODE ISLAND

### RHODE ISLAND RESIDENT BIDDER PREFERENCE

**Public Works: Selection of professionals with place of business located in Rhode Island, R.I. Gen. Laws § 37-2-59.1** Preference for Rhode Island architectural, engineering, and consulting firms.

## SOUTH CAROLINA

### SOUTH CAROLINA RESIDENT BIDDER PREFERENCE

**Contracts: Competitive sealed bidding, S.C. Code Ann. § 11-35-1520(9).** In tie bid for contract of \$25,000 or more, preference for South Carolina firms.

**Highway Public Works: Allocation of state source highway funds for construction and renovation projects to firms owned and controlled by disadvantaged ethnic minorities or women, S.C. Code Ann. § 12-28-2930(F).** Preference given to South Carolina contractor if bid not more than 2.5% of out-of-state bid.

**Source Selection: Resident vendor preference, S.C. Code Ann. § 11-35-1524.** Residents of South Carolina receive 7% preference. Residents of South Carolina bidding South Carolina products receive additional 3% preference.

## **SOUTH DAKOTA**

### **SOUTH DAKOTA RESIDENT BIDDER PREFERENCE**

**Forestry: Preference to native trees and South Dakota dealers, S.D. Codified Laws § 41-20-10.** Preference to tree seeds from South Dakota dealers.

**Milk: Awarding of contract to licensed processor, S.D. Codified Laws § 5-19-1.2.** Preference given to a person who operates a South Dakota grade A milk plant where milk and milk products are collected, handled, processed, stored, pasteurized, and packaged if his bid is equal to, or within 5% or less, of any other bidder.

**Motor Vehicles: Commodities purchased or leased by bureau—vehicles from licensed dealers, S.D. Codified Laws § 5-23-2.** Purchase, leasing, hiring, or leasing-purchase of motor vehicles shall only be from authorized dealers licensed by the State of South Dakota.

**Purchases and Printing: Award where identical low bids submitted, S.D. Codified Laws § 5-23-12.2.** Tie breaking preference given to South Dakota businesses or manufacturers.

**Purchases and Printing: Preference to resident bidders, S.D. Codified Laws § 5-23-13.** Preference in tie bids to any person, firm, or corporation who has his or its principal place of business in the State of South.

### **SOUTH DAKOTA RECIPROCAL PREFERENCE**

**Public Property: Residential preference in contracts for public works, S.D. Codified Laws § 5-19-3.** Application of reciprocal preference.

**Purchases and Printing: Preference for resident bidders, S.D. Codified Laws § 5-23-21.2.** Application of reciprocal preference.

## TENNESSEE

### TENNESSEE RESIDENT BIDDER PREFERENCE

**Meat Products: Tennessee meat producers; purchasing preference, Tenn. Code Ann. § 12-3-809.** Preference given to producers located within Tennessee as long as terms, conditions and quality are equal.

**Meat Products Purchased by Public Education Institutions: Purchasing preference, Tenn. Code Ann. § 12-3-810.** Preference given to producers located within Tennessee as long as terms, conditions and quality are equal.

**Procurement: Award—tie bids, Tenn. Comp. R. & Regs. 0690—3—1—.08(5).** In case of tie bid, first preference given to in-state business.

**Public Contracts: Purchasing goods and procuring services; preference for Tennessee products, Tenn. Code Ann. § 12-4-121.** Preference given to Tennessee bidders if cost and quality are equal for purchases of goods, including agricultural products. Preference given to Tennessee bidders for procuring services if services meet state requirements, quality and cost.

### TENNESSEE RECIPROCAL PREFERENCE

**Public Contracts: Reciprocal preferences, Tenn. Code Ann. § 12-4-802.** Application of reciprocal preference for contractors bidding on public construction projects.

## TEXAS

### TEXAS RESIDENT BIDDER PREFERENCE

**Lottery Commission: Lottery procurement procedures, 16 Tex. Admin. Code § 401.101(e).** In purchase or lease of services, preference given to Texas resident bidder or proposer if cost and quality equal.

**Lottery Commission: Preference for Texas Businesses, Tex. Gov't Code § 466.106.** In contracts for lottery equipment, supplies, services, and advertising, preference given to services or advertising offered by bidders from Texas if cost and quality equal.

**Procurement: Preferences, 1 Tex. Admin. Code § 113.8.** Texas bidders given preference when cost and quality of goods or services equal. Texas agricultural products offered by Texas bidder given preference if cost and quality is equal. Services offered by Texas bidder given preference if meet state requirements, quality is equal, and cost does not exceed nonresident bid of equal quality. (Nonmission-related procurements made by Texas National Research Laboratory Commission follow this rule, 1 Tex. Admin. Code § 303.1.)

**Procurement: Preference to Texas services, Tex. Gov't Code § 2155.444.** For goods, preference given to Texas bidders if cost and quality are equal. For agricultural products, second preference given to Texas Bidders if cost and quality equal.

**Professional and Consulting Services: Selection of consultant, Tex. Gov't Code § 2254.027.** If other considerations equal, preference given to consultant whose principal place of business is in Texas or who will manage the contract wholly from an office in Texas.

**Travel Services: Contracts with providers of travel services, Tex. Gov't Code § 2171.052.** Contracts with travel agents, preference given to resident entities of Texas.

### **TEXAS RECIPROCAL PREFERENCE**

**Lottery Commission: Lottery procurement procedures, 16 Tex. Admin. Code § 401.101(c)(2), (d)(4).** Application of reciprocal preference in informal competitive solicitations and formal competitive solicitations.

**Procurement: Award of contract to nonresident bidder, Tex. Gov't Code § 2252.002.** Application of reciprocal preference for all governmental entities and governmental contracts.

**Procurement: Preferences, 1 Tex. Admin. Code § 113.8.** Application of reciprocal preference for nonresident bidder (nonmission-related procurements made by Texas National Research Laboratory Commission follow this rule, 1 Tex. Admin. Code § 303.1).

### **UNITED STATES VIRGIN ISLANDS**

#### **UNITED STATES VIRGIN ISLANDS RESIDENT BIDDER PREFERENCE**

**Procurement and Sale: Preferred bidders, V.I. Code Ann. tit. 31, § 236a.** Preference for construction services, supplies, materials, equipment, and contractual or consulting services from “preferred bidder” where the total cost not more than 15% higher.

### **UTAH**

#### **UTAH RESIDENT BIDDER PREFERENCE**

**Procurement: Tie bids, Utah Admin. Code r. 33-3-113.** Procedures which may be used to discourage tie bids include award to Utah resident bidder.

**Vending Stands: Issuance of licenses—preference to blind persons, Utah Code Ann. § 55-5-3.** Preference to blind persons who are in need of employment and who have resided for at least one year in Utah.

#### **UTAH RECIPROCAL PREFERENCE**

**Construction Contracts: Preference for resident contractors, Utah Code Ann. § 63-56-405.** Application of reciprocal preference.

## VERMONT

### VERMONT RESIDENT BIDDER PREFERENCE

**Insurance: Preference to Vermont companies, agents, Vt. Stat. Ann. Tit. 29, § 1402.** Preference given to Vermont-domiciled companies and independent agents licensed in and resident in Vermont.

## VIRGINIA

### VIRGINIA RESIDENT BIDDER PREFERENCE

**Local Government Procurement: Preference for local products and firms, Va. Code Ann. § 2.2-4328.** In case of tie bid, preference to goods, services and construction provided by persons, firms or corporations having principal places of business in locality.

**Procurement: Preference for Virginia products and firms, 11 Va. Admin. Code § 5-20-430(A).** In case of tie bid, preference given to goods, services and construction provided by Virginia persons, firms or corporations.

**Procurement: Preference for Virginia products with recycled content and for Virginia firms, Va. Code Ann. § 2.2-4324(A).** In case of tie bid, preference given to goods or services or construction provided by Virginia persons, firms or corporations.

### VIRGINIA RECIPROCAL PREFERENCE

**Procurement: Preference for Virginia products and firms, 11 Va. Admin. Code § 5-20-430(B).** Application of reciprocal preference.

**Procurement: Preference for Virginia products with recycled content and for Virginia firms, Va. Code Ann. § 2.2-4324(B).** Application of reciprocal preference. If lowest bidder is resident contractor of state with an absolute preference, bid is not considered.

## WASHINGTON

### WASHINGTON RESIDENT BIDDER PREFERENCE

**Procurement: Preferential purchase, Wash. Rev. Code Ann. § 43.19.1911(7).** In determining the lowest responsible bidder, the agency shall consider any preferences provided by law to Washington vendors and to Section 43.19.704 providing reciprocal preferences.

### WASHINGTON RECIPROCAL PREFERENCE

**Procurement: In-state preference bids, Wash. Admin. Code 236-48-085.** Application of reciprocal preference.

**Procurement: In-state preference clauses, Wash. Rev. Code Ann. § 43.19.700.** Requiring application of reciprocal preference.

**Procurement: Rules for reciprocity in bidding, Wash. Rev. Code Ann. § 43.19.704.** Requiring adoption of rules concerning application of reciprocity.

## WEST VIRGINIA

### WEST VIRGINIA RESIDENT BIDDER PREFERENCE

**Higher Education: Purchase or acquisition of materials, supplies, equipment, services and printing, W. Va. Code Ann. § 18B-5-4(g).** Resident vendor preferences as provided in W. Va. Code Ann. § 5A-3-37 apply to competitive bids made pursuant to this section.

**Local Educational Agencies: Resident Vendor Preference, W. Va. Code R. § 126-202, Purchasing Policies & Procedures Manual for Local Educational Agencies, 17.**

17.1. Preference for resident vendors in accordance with W. Va. Code Ann. § 5A-3-37.

17.3. Local Educational Agencies (LEAs) may establish by local board policy procedures for granting preference to resident vendors for purchase of commodities and printing. Vendor preference cannot exceed 5% of lowest bid.

**Preferences: Commodities and printing, W. Va. Code R. § 110-12C-4.**

4.1. 2.5% preference for resident vendor who has resided in West Virginia continuously for 4 years immediately preceding date of bid; 2.5% preference for partnership, association or corporation resident vendor which has maintained its headquarters or principal place of business within West Virginia continuously for 4 years immediately preceding bid

4.3. 5% preference for vendor satisfying subsection 4.1, above, and certifying that on average at least 60% of the bidder's employees have been residents of West Virginia continuously for 2 years immediately preceding submission of bid.

**Preferences: Construction Services, W.Va. Code R. § 110-12C-3.**

3.1. 2.5% preference for resident vendor who has resided in West Virginia continuously for 4 years immediately preceding date of bid; 2.5% preference for partnership, association or corporation resident vendor which has maintained its headquarters or principal place of business within West Virginia continuously for 4 years immediately preceding bid

3.3. 5% preference for vendor satisfying subsection 3.1, above, and certifying that on average at least 60% of the employees working on project have been residents of West Virginia continuously for 2 years immediately preceding submission of bid.

**Purchasing: Awards—vendor preference, W. Va. Code R. § 148-1-6(6.4.4).** Purchases of commodities and printing, with exception of construction services, subject to resident vendor preference in accordance with the rules promulgated by the Secretary of the Department of Tax and Revenue.

**Purchasing: Preference for resident vendors, W. Va. Code Ann. § 5A-3-37.** For purchase of commodities or printing:

- (1) 2.5% preference for resident vendor who has resided in West Virginia continuously for 4 years immediately preceding bid; 2.5% preference for partnership, association or corporation resident vendor which has maintained its headquarters or principal place of business within West Virginia continuously for 4 years immediately preceding bid; 2.5% preference for corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of 100 state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for 4 years immediately preceding the date of bid.
- (2) 2.5% preference for resident vendor if on average at least 75% of employees working on project are residents of West Virginia who have resided in state continuously for 2 years immediately preceding bid.
- (3) 2.5% preference for nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principle place of business within West Virginia and which employs a minimum of 100 state residents if on average at least 75% of employees working on project are residents of West Virginia who have resided in state continuously for 2 years immediately preceding bid.
- (4) 5% preference for vendor meeting requirements of subsections (1) and (2) or (1) and (3).
- (5) 3.5% preference for resident vendor who is veteran and resided in West Virginia continuously for the 4 years immediately preceding date of bid.
- (6) 3.5% preference for resident vendor who is veteran if on average at least 75% of employees working on project are residents of West Virginia who have resided in state continuously for 2 years immediately preceding bid.

### **WEST VIRGINIA RECIPROCAL PREFERENCE**

**Purchasing: Awards—vendor preference, W. Va. Code R. § 148-1-6(6.4.4).** Application of reciprocal preference for purchases of commodities and printing made upon competitive bid.

**Purchasing: Preference for resident vendors; reciprocal preference, W. Va. Code Ann. § 5A-3-37a.** Application of reciprocal preference for purchase of commodities or printing.

### **WISCONSIN**

#### **WISCONSIN RESIDENT BIDDER PREFERENCE**

**Art: Fine arts in state buildings, Wis. Stat. Ann. § 44.57.** Preference given to artists who are residents of Wisconsin.

**Art Program: Application, Wis. Admin. Code AB § 4.05.** Preference given to Wisconsin artists.

**Bidding: Basis for awards as a result of bidding, Wis. Admin. Code § 8.03(4).** In case of tie bids, award shall be made to Wisconsin suppliers, in preference to out-of-state suppliers.

### **WISCONSIN RECIPROCAL PREFERENCE**

**Engineering: Construction project contracts, Wis. Stat. Ann. § 16.855.** Application of reciprocal preference.

**Purchasing: Buy on low bid, exceptions, Wis. Stat. Ann. § 16.75.** Application of reciprocal preference.

### **WYOMING**

#### **WYOMING RESIDENT BIDDER PREFERENCE**

**Art: Role of the committee, Wyo. Code R. ch. 1, § 4.** Preference to Wyoming artists.

**Art in Public Building: Department of commerce to acquire works of art, Wyo. Stat. Ann. § 16-6-803.** Preference to Wyoming artists.

**Preferences: Printing preference, Wyo. Code R. ch. 6, § 2.** Preference to resident if bid is not more than 10% higher than lowest nonresident bid.

**Public Printing: Preference for resident bidders, Wyo. Stat. Ann. § 16-6-301.** Preference for resident if bid is not more than 10% higher than lowest nonresident bid.

**Public Works: Resident contractors; preference limitation with reference to lowest bid or qualified response, Wyo. Stat. Ann. § 16-6-102.** Preference for resident if bid is not more than 5% higher than that of lowest nonresident bid.

**Purchasing: Preferential policy, Wyo. Code R. ch. 14, § 6.** Preference for Wyoming contractors if bid is not more than 5% higher than lowest nonresident bid.