

STATE OF TEXAS***Texas Building & Procurement Commission******List and Summary of Other States' Laws that Regulate Award of Governmental Contracts to Out of State Bidders.***

Pursuant to Texas Government Code, Title 10, §2252.003, the Texas Building and Procurement Commission publishes this list of states having laws and rules that regulate the award of governmental contracts to bidders whose primary place of business is not in that state. The list includes the citation to and a summary of the laws and rules pertaining to the evaluation of bids and the award of contracts to nonresident bidders. The 2005 List and Summary will be published in the July 8, 2005 issue of the *Texas Register*.

Reciprocal Preference – The Texas Building & Procurement Commission may award a contract to a nonresident bidder only if its bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state where the nonresident's principal place of business is located. (Texas Government Code, Title 10, §2252.002.)

In evaluating the bid of a nonresident bidder, an amount will be added equal to the amount a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state where the nonresident bidder's principal place of business is located. After the amount is added, an award may be made to the nonresident bidder if it is determined to have the lowest price and best bid. The amount added is for evaluation purposes only; in no event shall an amount be awarded in excess of the amount actually bid. (Texas Administrative Code, Title 1, §113.8)

ALABAMA:

Code of Alabama, [Title 14, § 14-7-13](#)– All state offices, departments, institutions and agencies supported by the state shall purchase from the Alabama Board of Corrections. Exceptions provided under §14-7-14 for articles or products produced or manufactured by the Alabama Institute for the Deaf and Blind.

Code of Alabama, [Title 14, § 14-7-14](#)–Exceptions for section §14-7-13 may be made in the case of articles or products produced or manufactured by the Alabama Institute for the Deaf and Blind.

Code of Alabama, [Title 21, § 21-2-2](#) - Preference for products made or manufactured by the blind, visually handicapped, deaf or severely handicapped through the Alabama Institute for the Deaf and Blind. Preference is not applied over articles produced or manufactured by convicts in Alabama employed in industries operated or supervised by the board of corrections.

Code of Alabama, [Title 23, §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.

Code of Alabama, [Title 39 § 39-3-5](#) - Preference to resident contractors in tie bids for public contracts in which any state county or municipal funds are utilized, except those contracts funded in whole or in part with funds received from a federal agency. Reciprocal preference is applied to nonresident contractors in the letting of public contracts. A nonresident contractor is defined in § 39-2-12 as a contractor who is neither organized nor existing under the laws of the State of Alabama, nor maintains its principal place of business in the State of Alabama.

Code of Alabama, [Title 41, § 41-16-20](#) –With the exception of public works contracts a preference is applied in all contracts involving \$7,500 or more to a person, firm or corporation who (1) produces or manufactures the product within the State of Alabama; (2) has an assembly plant or distribution facility for the product within the State of Alabama; and (3) is organized for business under the applicable laws of the State of Alabama as a corporation, partnership, or professional association and has maintained at least one retail outlet or service center for the product or service within the State of Alabama for not less than one year prior to the deadline date of the competitive bid as long as the bid of the preferred bidder is no more than 5 % greater than the bid of the lowest responsible bidder.

Code of Alabama, [Title 41, § 41-16-27](#)– Contractual services and purchases of personal property regarding the athletic department, food services and transit services negotiated on behalf of two-year and four-year colleges and universities may be awarded without competitive bid and preference given to an Alabama business entity (a sole proprietorship, partnership or corporation organized in the State of Alabama). Preference to an Alabama business entity does not apply if the product or service is supplied by a foreign corporation and is substantially different or superior to the product or service supplied by the Alabama business entity.

Code of Alabama, [Title 41, § 41-16-57](#)– Preference in tie bids for commodities produced in Alabama or sold by Alabama persons, firms, or corporations in the purchase of or contract for personal property or contractual services.

ALASKA:**Alaska Statutes, § 35.27.020. Art Requirements For Public Buildings and Facilities**

(g) When purchasing art for Public Buildings a preference is given the use of state culture and the selection of Alaska resident artists.

Alaska Statutes, § 36.15.010 – In projects to be financed by state money, whenever practical, a preference is given to timber, lumber and manufactured lumber products originating in Alaska from local forests.

Alaska Statutes, § 36.15.050 – Contracts and calls for bids shall denote a preference for agricultural products harvested in the state of Alaska and for fisheries products harvested or processed within the jurisdiction of the State of Alaska when purchased by the state or by a school district that receives state money as long as it is no more than 7% higher than non-Alaskan products.

Alaska Statutes, §36.30.170

Part (a)-- Contract award after bids—Generally, contracts are awarded to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid, except as provided by the following.

Part (b)--Alaska Products--Applies an Alaska bidder preference of 5%, an Alaska products preference as described in §§36.30.322 through 36.30.328, and a recycled products preference under §36.30.337 over the lowest responsive and responsible bidder.

"Alaska bidder" is defined as a person who (1) holds a current Alaska business license; (2) submits a bid for goods, services or construction under the name in the Alaska business license; (3) maintains a place of business within the state; (4) is incorporated or qualified to do business under the laws of the State of Alaska, is a sole proprietorship and the proprietor is a resident of the State of Alaska, is a limited liability company organized under Alaska Statutes §10.50 and all members are residents of the State of Alaska, or is a partnership under Alaska Statutes §§32.05 and 32.11 and all partners are residents of Alaska; and (5) if it is a joint

venture, that it is composed entirely of ventures that meet the preceding qualifications.

*Part (c)--Employment Program--*Award to an Alaska bidder who is not more than 15% higher than the lowest bid when Alaska bidder offers services through an employment program. "Program" means the state training and employment program established in Alaska Statutes, § 23.15.620 through 23.15.660.

*Part (d)--Insurance Related--*An Alaska bidder preference of 5% over the lowest bid for insurance related contracts.

*Part (e)--Qualified Entity--*An Alaska bidder preference of 10% over the lowest bid applied to a bidder who qualifies under §36.170(b) and is a qualifying entity. Qualifying entity is defined as (1) a sole proprietorship owned by a person with a disability; (2) a partnership if each of the partners is a person with a disability; or (3) a limited liability company if each of the members is a person with a disability.

*Part (f)--Employees with Disability--*An Alaska bidder preference of 10% over the lowest bid if at least 50 % of bidder's employees at time of the bid are persons with a disability.

Alaska Statutes, § 36.30.322 - Preference for timber, lumber and manufactured lumber products originating in the state of Alaska forests to be procured by an agency or used in construction projects of an agency unless the Alaska producer or supplier has been given reasonable notice and is unable to supply the products at a cost within 7% of the price offered by a manufacturer or supplier of non-Alaska forest products.

Alaska Statutes, § 36.30.324 - Preference for use of Alaska products and recycled Alaska products in procurements for an agency.

Alaska Statutes, § 36.30.330– If a successful bidder or offeror who designates the use of an Alaska product in a bid or proposal for a procurement for an agency fails to use the designated product for a reason within the control of the successful bidder or offeror, each payment under the contract shall be reduced 4% for Class I designated Alaska product, 6% for Class II, and 8% for Class III. A person is not a responsible bidder or offeror if, in the preceding three years, the person has twice designated the use of an Alaska product in a bid or proposal and has each time failed to use the designated Alaska product for reasons within the control of the bidder or offeror.

Alaska Statutes, § 36.30.332 - Preference for the following Alaska products: Preference of 3% for Class I products that are more than 25 % and less than 50 % produced or manufactured in the State of Alaska. Preference of 5% for Class II products that are 50 % or more and less than 75 % produced or manufactured in the State of Alaska. Preference of 7% for Class III products that are 75 % produced or manufactured in the State of Alaska.

Alaska Statutes, § 36.30.338 - Definitions: "Alaska product" means a product of which not less than 25 % of the value has been added by manufacturing or production in the State of Alaska.

"Produced or manufactured" means processing, developing, or making an item into a new item with a distinct character and use through the application within the state of materials, labor, skill or other services.

"Product" means materials or supplies but does not include gravel and asphalt.

"Recycled Alaska product" means an Alaskan product of which not less than 50 % of the value of the product consists of a product that was previously used in another product, if the recycling process is done in the State of Alaska.

Title 2, Alaska Administrative Code, § 12.260

Part (d): Alaska Bidder. The price of an offeror who qualifies as an Alaska bidder under [AS 36.30.170](#) (b) shall be reduced by 5% and all other applicable preferences must be applied.

Part (e): Numerical Rating System. If a numerical rating system is used in evaluating competitive sealed proposals, an Alaska offeror preference of at least 10% of the total possible value of the rating system is assigned to a proposal from an Alaska bidder.

Title 2, Alaska Administrative Code, [§ 12.890](#) - If both the Alaska bidder's preference under AS 36.30.170(b) and the Alaska products preference under AS 36.30.322 -- 36.30.328 apply to a solicitation, a procurement officer shall apply the bidder's preference first and the products preference second.

American Samoa Statutes 12.0210 Preference to local bidders in procurement contracts. Construction bids from off-island bidders may not be accepted where the contract value is estimated at 1.5 million dollars or less. Responsible local bidders must be given a 10% preference for works valued over 1.5 million dollars.

For goods or services preference to local bidders shall be given as follows

3-0-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-

This section shall not apply to any procurement which is funded wholly or partially with federal funds.

ARIZONA:

Arizona Revised Statutes Annotated, [Title 34, § 34-242](#) - Preference for bidders who furnish materials produced or manufactured in the State of Arizona to construct a building or structure, or additions to or alterations of existing buildings or structures to any political subdivision of the State of Arizona as long as a competing bidder is less than 5% lower. Bidders cannot claim a preference pursuant to both §§ 34-242 and 34-243 and may not receive more than 5 % total preference.

Arizona Revised Statutes Annotated, [Title 34, § 34-243](#) - Preference to bidders who furnish materials supplied by a dealer who is a resident of the State of Arizona to construct a building or structure, or additions to or alterations of existing buildings or structures for any political subdivision of Arizona whenever the bid of a competing bidder is less than 5% lower than that of the resident dealer.

Arizona Revised Statutes Annotated, [Title 41, §41-2636](#)– Preference for state governmental units to purchase office products, vinyl binders and furniture from Arizona industries for the blind, certified nonprofit agencies for disabled individuals and Arizona correctional industries if (1) such materials and services are readily available; (2) such materials and services are capable of timely delivery; and (3) such materials and services are of equal quality and price

for these same materials and services in the private sector.

ARKANSAS:

Arkansas Code Annotated, [AR ST §12-30-304](#)– Preference for state institutions to purchase products grown or produced by the Arkansas State penitentiary and other farms.

Arkansas Code Annotated, [AR ST §13-8-206\(c\)\(2\)](#)– Preference for works of art by Arkansas artists when purchasing or commissioning art work for a state agency building to be constructed or renovated.

Arkansas Code Annotated, [AR ST § 19-11-259\(b\)](#) - Preference to a firm resident in Arkansas in the purchase of commodities that are materials and equipment used in public works projects if the bid does not exceed the lowest qualified bid from a nonresident firm by more than 5% and if one (1) or more firms resident in Arkansas made written claim for a preference at the time the bids were submitted.

Arkansas Code Annotated, [AR ST § 19-11-260](#) - Preference of 10% for recycled paper products. An additional 1% preference is allowed for products containing the largest amount of post consumer materials recovered within the State of Arkansas. A bidder receiving a preference under this section shall not be entitled to an additional preference under §19-11-259.

Arkansas Code Annotated, [AR ST § 19-11-304](#) - Priority for bids submitted by private industries located within the State of Arkansas and employing Arkansas taxpayers over bids submitted by out-of-state penal institutions employing convict labor.

Arkansas Code Annotated, [AR ST § 19-11-305](#) and [AR ST §19-11-306](#) - Preference of 5% to Arkansas bidders (as provided for in §19-11-259) in the purchase of commodities that are materials and equipment used in public works projects against bids received from private industries located outside the State of Arkansas; and a preference of 15% to Arkansas bidder against bids by an out-of-state correctional institution.

Arkansas Code Annotated, [AR ST § 19-11-901](#). Preference is given to “suitable products”,

produced and offered by facilities certified by the Arkansas Rehabilitation Services, where manufacture or handiwork is carried out for the primary purpose of providing evaluation, training, and gainful employment to disabled individuals of Arkansas.

CALIFORNIA:

California Government Code, [Title 1, Division 5, Chapter 4, § 4331](#) – Tie breaking Preference for supplies grown manufactured, or produced in the State of California, and next preference for supplies partially manufactured, grown or produced in the State of California. **NOTE: Although § 4331 has not been repealed, it was found to be unconstitutional by the California Attorney General. (See 53 Ops. Cal. Atty. Gen. 72, 73 (1970)).** Preference for California-made supplies by this section not applicable to materials going into construction of state-owned buildings; and not applying to general contractors purchasing materials necessary to perform their contracts with the State of California. **(See 27 Ops. Cal. Atty. Gen. 52 (1956)). California's Department of General Services, Procurement Division, does not apply this preference.**

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California Government Code, [Title 1, Division 5, Chapter 4, § 4334](#) -- Preference of 5% to bidders manufacturing supplies in the State of California to be used or purchased in the letting of contracts for public works, with the construction of public bridges, buildings and other structures, or with the purchase of supplies for any public use. **NOTE: Although § 4334 has not been repealed, it was found to be unconstitutional by the California Attorney General. See 53 Ops. Cal. Atty. Gen. 72, 73 (1970).**

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California Government Code, [Title 1, Division 5, Chapter 10.5, §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).

California Government Code, [Title 1, Division 5, Chapter 10.5, § 4533](#) -- Contracts for goods in distressed areas. 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.

California Government Code, [Title 1, Division 5, Chapter 10.5, § 4533.1](#) -- Additional preference awarded to bidders for contracts of goods in excess of \$100,000 and who comply with § 4533 are as follows:

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.

California Government Code, [Title 1, Division 5, Chapter 10.5, § 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.

California Government Code, [Title 1, Division 5, Chapter 10.5, § 4534.1](#) -- Additional preferences as set forth in § 4533.1 are awarded to bidders for contracts of services in excess of \$100,000 who comply with provisions as set forth in § 4534.

California Government Code, [Title 1, Division 5, Chapter 10.5, § 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.

California Government Code, [Title 1, Division 7, Chapter 12.8, § 7084](#) – 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.

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.

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.

The maximum preference awarded to a bidder under the California Government Code, Chapter 12.8, Enterprise Zone Act, is 15%, and the maximum preference cost cannot exceed \$50,000.00.

California Government Code, [Division 7, Title 1, Chapter 12.97, § 7118](#) - 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).

A 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 agency military base recovery area (LAMBRA).

A 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.

A 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.

A 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.

A 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.

The maximum preference a bidder may be awarded under Chapter 12.97, Local Agency Military Base Recovery Area Act, is 15% and the maximum preference cost cannot exceed \$50,000.00.

A small business bidder, who is the lowest responsible bidder or is eligible for a 5% small bidder's preference, notwithstanding any other provision of this section, shall be given precedence over businesses too large to be categorized as a small business.

California Government Code Annotated, [Title 2, Division 3,](#)

[Part 5.5, Chapter 6.5, § 14837](#) - Definitions.

“Small business” means an independently owned and operated business, which is not dominant in its field of operation, the principal office of which is located in California, the officers of which are domiciled in California, and which, together with affiliates, has 100 or fewer employees, and average annual gross receipts of \$10,000,000.00 or less over the previous 3 years, or is a manufacturer with 100 or fewer employees.

“Manufacturer” means a business that is (1) primarily engaged in the chemical or mechanical transformation of raw materials or processed substances into new products; and (2) classified between codes 2000 and 3999, inclusive, of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget, 1987 edition.

California Government Code Annotated, [Title 2, Division 3, Part 5.5, Chapter 6.5, § 14838](#)

- A 5% preference to small business 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.

In the event of a precise tie between the low responsible bid from a small business and the low responsible bid from a disabled veteran-owned small business, the disabled veteran-owned small business will be awarded the contract.

California Government Code Annotated, [Title 2, Division 3, Part 10B, Chapter 2.1, §15813.1](#) – Definitions.

“Work of art” means any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, or photograph, a work of calligraphy, a work of graphic art (including an etching, lithograph, offset print, silk screen, or a work of graphic art of like nature), crafts (including crafts in clay, textile, fiber, wood, metal, plastic, glass, and like materials), or mixed media including a collage, assemblage, or any combination of the foregoing art media). The term “work of art” does not include environmental landscaping placed about a state building.

California Government Code Annotated, [Title 2, Division 3, Part 10B Chapter 2.1, §15813.3](#) – Preference may be given to artists who are California residents when purchasing, leasing, or commissioning works of art for public buildings.

California Public Contract Code, [Division 2, Part 1, Chapter 6, § 6107](#) -- When awarding c

California Public Contract Code, [Division 2, Part 2, Chapter 3, §12102](#)– A preference of 5% for small business (provided for in Government Code Annotated, Title 2, Division 3, Chapter 6.5, [§ 14838](#)) is applied for the acquisition of electronic data processing and telecommunications goods and services.

California Code of Regulations, [Title 2. Administration. Division 2. Division 2. Financial Operations. Subchapter 9. §1896.31](#). In contract for goods having estimated cost in excess of \$100,000, except a contract where the worksite will be fixed by the terms of the contract a 5 percent preference given to California based companies who certify that no less

than 50 percent of the labor required to perform the contract shall be accomplished at a worksite or worksites located in a distressed area.

COLORADO:

Colorado Revised Statutes Annotated, § 8-18-101– In a contract for commodities, services or *construction contracts other than for a bridge, highway or a public-private initiatives*, a resident bidder is given preference over nonresident bidders equal to the preference required by the state in which the nonresident bidder is a resident. There is tie breaking preference in favor of a resident bidder in a low bid tie.

Colorado Revised Statutes Annotated § 8-19-101. Bid preference - public projects. Statute text

When a construction contract for a public project is to be awarded to a bidder, a resident bidder shall be allowed a preference against a nonresident bidder from a state or foreign country equal to the preference given or required by the state or foreign country in which the nonresident bidder is a resident unless it is determined that compliance with this section may cause denial of federal moneys.

"Public project" means any publicly funded contract entered into by a governmental body of the executive branch of the State of Colorado that is subject to the Procurement Code, articles 101 to 112 of Title 24, Colorado Revised Statutes.

Colorado Revised Statutes Annotated § 8-19-102 (2) Resident Bidder Defined. A person, partnership, corporation, or joint venture authorized to transact business in Colorado and which maintains its principal place of business in Colorado; or a person, partnership, corporation, or joint venture authorized to transact business in Colorado that maintains a place of business in Colorado and has paid Colorado unemployment compensation taxes in at least seventy-five percent of the eight quarters immediately prior to bidding on a construction contract for a public project.

Colorado Revised Statutes Annotated § 8-19-102.5. Resident bidder - reciprocity. In addition to any other criteria for awarding a preference under this article, the residence, registration, unemployment compensation, and other preference conditions applied to a Colorado resident bidder doing business in another state or foreign country shall be applied to a resident bidder from that state or foreign country doing business in Colorado in determining whether a preference shall be allowed.

Colorado Revised Statutes Annotated § 8-18-103 Preference for State Agricultural Products. Governmental bodies shall give preference to agricultural products produced in Colorado by a resident bidder when the product is suitable and available in sufficient quantity.

Colorado Revised Statutes Annotated, §17-24-111 – Preference applied in the competitive sealed bidding for the purchase of goods and services from Colorado's Division of Correctional Industries. State agencies shall purchase office furniture and office systems from the Correctional Division. Printing is to be purchased from the Division of Correctional Industries unless a state agency operates its own printing operation.

Colorado Revised Statutes Annotated §24-103-202.5. Low tie bid awards. Tie bid preference to Colorado resident bidder.

Statute text

Colorado Revised Statutes Annotated §24-30-1203 Public agencies shall purchase products and services directly from nonprofit agencies for persons with severe disabilities agencies whenever such products and services are available at a price, including profit, overhead materials and labor, determined to be reasonable.

Colorado Revised Statutes Annotated §24-30-1403 Professional Services.

State agencies purchasing professional services shall give preference to Colorado firms when qualifications are equal.

Colorado Revised Statutes Annotated, § 24-103-202.5 - Preference for resident bidder in "low tie bids" for award of a supply contract. "Low tie bids" means low responsible bids from bidders that are identical in amount and that meet all the requirements and criteria set forth in the invitation for bids. (C.R.S. § 24-103-101)

Colorado Revised Statutes Annotated, § 26-8.2-103. Preference for products from the Colorado Rehabilitation Center for the Visually Impaired when products or services conform to the required standards, public agencies shall purchase such products and services, when available, directly from the center. The price determined by the center shall be an amount equal to the cost of raw materials, labor, overhead, and delivery.

Colorado Revised Statutes Annotated, §43-1-1406 Design-build Contracts. Department of Transportation shall allow a preference to Colorado residents in awarding an adjusted score design-build contract unless it would conflict with Federal requirements.

CONNECTICUT:

Connecticut General Statutes, § 4a-59 - Preference in tie bids is given to supplies, materials and equipment produced, assembled or manufactured in the State of Connecticut and services originating and provided for in the State of Connecticut.

Connecticut General Statutes, § 10-298b - Preference for all departments, institutions, or agencies supported in whole or in part by the State of Connecticut to purchase products made or manufactured or services provided by blind persons under the direction or supervision of the Board of Education and Services for the Blind. Preference does not apply to articles produced or manufactured by the Department of Correction Industries in the State of Connecticut, and emergency purchases.

Connecticut General Statutes, § 17b-656 – Preference for any department, institution, or agency supported in whole or in part by the State of Connecticut to purchase products and services rendered by persons with disabilities, except (1) articles produced or manufactured by blind persons, (2) articles produced or manufactured by the Department of Corrections, and (3) emergency purchases.

Connecticut General Statutes, § 18-88 (g) - Preference for each state department, agency, commission or board to purchase its necessary products and services from the Correctional Institutions and Department of Correction Industries, provided they are comparable in price and quality and in sufficient quantity as may be available outside the institutions.

DELAWARE:

Delaware Code, Title 16, § 9605 – Mandatory preference for a product or service on the procurement list, from the Delaware Industries for the Blind and other severely disabled individuals, at the price established by the Commission if the product or service is available within the period required by that agency.

Delaware Code, [Title 29, § 6962](#) - 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 Code, [Title 2, § 2-303.01](#) - Preference for the purchase of materials, equipment, and supplies produced in the District or sold by District-based businesses under rules set by the mayor.

District of Columbia Code §2-217.03. Assistance programs for local business enterprise contractors, disadvantaged business enterprise contractors, and small business enterprise contractors.

(a) The Mayor pursuant to [§2-217.06](#). shall make rules to assist local, small, or disadvantaged business enterprises and shall include preferences and set-asides. In evaluating bids and proposals, agencies shall award preference points as follows:

(A) (i) Three points for resident business ownership;

(ii) Four points for local business enterprises;

(iii) Two points for businesses located in enterprise zones; and

(iv) Three points for disadvantaged business enterprises.

(B) A percentage reduction in price, in the case of bids, as follows:

(i) Three percent for resident business ownership;

(ii) Four percent for local business enterprises;

(iii) Two percent for businesses located in enterprise zones; and

(iv) Three percent for disadvantaged business enterprises.

(3) A bid or proposal from a qualified business enterprise may be entitled to any or all of the preferences provided in paragraph (2) of this subsection.

(c) A certified prime contractor shall perform at least 50% of the contracting effort, excluding the cost of materials, goods, and supplies, with its own organization and resources, and if it subcontracts, 50% of the subcontracted effort excluding the cost of materials, goods, and supplies shall be with certified local, disadvantaged, or small business enterprises.

(d) For construction contracts of up to \$1 million, a certified prime contractor shall perform at least 50% of the on-site work with its own work force, excluding the cost of materials, goods, supplies, and equipment, and, if it subcontracts, 50% of its subcontracts, excluding the cost of materials, goods, supplies and equipment, shall be with certified local, small, or disadvantaged business enterprises

FLORIDA:

Florida Statutes, [Title XVIII, § 255.04](#) - Preference in tie bids awarded to materialmen, contractors, builders, architects, and laborers who reside in Florida for the purchase of material and in contracts for the erecting or construction of any public administrative or institutional building.

Florida Statutes, [Title XIX, § 283.35](#) - Preference in tie bids for printing contracts awarded to bidders located within the State of Florida.

Florida Statutes, [Title XIX, § 287.045](#) - Preference of 10% to responsive bidder who has certified that the products or materials contain at least the minimum percentage of recycled content and post consumer recovered material and up to an additional 5% preference to a responsible bidder who has certified that the products or material are made of materials recovered in Florida.

Florida Statutes, [Title XIX, § 287.082](#) - Preference in tie bids for commodities manufactured, grown, or produced in the State of Florida.

Florida Statutes, [Title XIX, § 287.084](#) Reciprocal preference awarded to a bidder whose principal place of business is in the State of Florida for the purchase of personal property through competitive bidding. Reciprocal preference is awarded when lowest responsible bid is by a bidder whose principal place of business is in a state or political subdivision thereof which grants a preference for the purchase of such personal property to a person whose principal place of business is in such state. Reciprocal preference is equal to the preference granted by the state from which the lowest bidder has his or her principal place of business. This section does not apply to transportation projects for which federal aid funds are available.

Florida Statutes, [Title XIX, § 287.087](#) - Preference to a business that has implemented a drug-free workplace program in the procurement of commodities or contractual services by the state or any political subdivision.

Florida Drug-Free Workplace Program under Florida Statute § 440.102-- "Commodity" means any of the various supplies, materials, goods, merchandise, food, equipment, and other personal property, including a mobile home, trailer, or other portable structure with floor space of less than 3,000 square feet, purchased, leased, or otherwise contracted for by the state and its agencies. "Commodity" also includes interest on deferred-payment commodity contracts. However, commodities purchased for resale are excluded from this definition. Further, a prescribed drug, medical supply, or device required by a licensed health care provider as a part of providing health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration for clients at the time the service is provided is not considered to be a "commodity." Printing of publications shall be considered a commodity when competitively bid.

Florida Statutes, [Title XXX, §413.036](#) – - Priority to purchase any product or service from a qualified nonprofit agency for the blind or for other severely handicapped persons.

Florida Administrative Code, [Title 25, §25-25.009](#)– Preference awarded to bidders located within the State of Florida when awarding contracts, whenever commodities bid can be purchased at no greater expense than, and at a level of quality comparable to, those bid by a bidder located outside the State of Florida.

Florida Administrative Code, [Title 25, §25-25.025](#) – **General Purchasing Procedures** - Preference in tie bids awarded to a minority owned business.

“Minority business enterprise” means any small business domiciled in Florida, and which at least 51 % is owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin which has been subjected historically to disparate treatment . (Florida Statute, Title XIX, §288.703).

GEORGIA:

Georgia Code, [Title 30, § 30-2-4](#) - All departments, subdivisions, and institutions of the State of Georgia are directed to give preference in purchases of goods manufactured at the Georgia Industries for the Blind.

Georgia Code, Title 50, § 50-5-60 - Preference in tie bids in the purchase and contracting of supplies, materials, equipment manufactured and printing produced in Georgia.

Preference in all cases shall be given to surplus products or articles manufactured or produced by other state departments, institutions, or agencies.

Reciprocal preference applied in favor of vendors resident in the State of Georgia or Georgia businesses.

Georgia Code, Title 50, § 50-5-60.4 - Preference given to compost and mulch for use in road building, land maintenance, and land development activities, that has been separated from the Georgia solid waste stream.

Georgia Code, Title 50, § 50-5-61 - Preference in tie bids for supplies, materials, equipment and agricultural products manufactured or produced in Georgia.

Guam:

Guam Administrative Rules Title 2, Chapter 1, §1102.01 - Preference for supplies and services offered by a government of Guam entity employing sheltered or disabled workers.

Guam Administrative Rules Title 2, Chapter 1, §1104. - A preference for businesses licensed to do business on Guam and that maintain an office or other facility on Guam, whenever a business that is willing to be a contractor is:

(a) a licensed bona fide manufacturing business that adds at least twenty-five percent (25%) of the value of an item, not to include administrative overhead, using workers who are U.S. citizens or lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their former citizenship in the Trust Territory of the Pacific Islands; or

(b) a business that regularly carries an inventory for regular immediate sale of at least fifty percent (50%) of the supply items to be procured; or

(c) a business that has a bona fide retail or wholesale business location that regularly carries

an inventory on Guam of a value of at least one half of the value of the bid or one hundred fifty thousand dollars (\$150,000) whichever is less, of supplies and items of a similar nature to those being sought; or

(d) a service business actually in business doing a substantial portion of its business on Guam, and hiring at least ninety-five percent (95%) U.S. citizens, lawfully admitted permanent residents or nationals of the United States, or persons who are lawfully admitted to the United States to work, based on their citizenship in any of the nations previously comprising the Trust Territory of the Pacific Islands. Procurement of supplies and services from off-Guam may be made if no business for such supplies or services may be found on Guam or if the total cost of F.O.B. job site, unloaded, or procurement from off-Guam is no greater than eighty-five percent (85%) of the total cost F.O.B. job site, unloaded, of the same supplies or services when procured from a business licensed to do business on Guam that maintains an office or other facility on Guam and that is one of the above-designated businesses entitled to preference.

HAWAII:

Hawaii Revised Statutes, [Title 9, § 103D-1002](#)

Preference of 3% for Class I Hawaii products that have 25 % to 49 % of their manufactured cost in Hawaii

Preference of 5% for Class II Hawaii products that have 50 % to 74 % of their manufactured cost in Hawaii

Preference of 10% for Class III Hawaii products that have 75 % or more of their manufactured cost in Hawaii.

Hawaii products mean products that are mined, excavated, produced, manufactured, raised, or grown in the state where the input constitutes no less than 25 % of the manufactured cost. (H.R.S., § 103D-1001)

Hawaii Revised Statutes, [Title 9, § 103D-1003](#) - Preference of 15% is awarded to contracts in which all work will be performed in the State of Hawaii for printing, binding or stationery, including all preparatory work, presswork, bindery work, and any other production-related work. Where bids are for work performed in-state and out-of-state, the amount bid for work performed out-of-state shall be increased by 15 %.

Hawaii Revised Statutes, [Title 9, § 103D-1004](#) - Reciprocal preference against bidders from those states that apply preferences. The amount of the reciprocal preference shall be equal to the amount by which the non-resident preference exceeds any preference applied by the State of Hawaii.

Hawaii Revised Statutes, [Title 9, § 103D-1006](#) and Weil's Code of Hawaii Rules, Title 3, Chapter 124, §§3-124-30 to 35 - Preference is awarded in tie bids for software development to Hawaii software development businesses.

Hawaii Revised Statutes Title 9, §103D-1009. A 5% preference shall be given to services provided by nonprofit corporations or public agencies operating qualified community rehabilitation programs in conformance with criteria established by the Hawaii department of labor and industrial relations.

Hawaii Revised Statutes, Title 13, § 201-4 The department of business, economic development and tourism may hire qualified private and public agencies, associations, firms, or individuals provided that preference is given to contractors within the state.

Weil's Code of Hawaii Rules, [Title 3, Chapter 124, § 3-124-5](#) .Where all other criteria are equal, preference is given to Hawaii products as long as the price does not exceed the price of a similar non-Hawaii product by more than 3 %, where class I registered Hawaii products are involved, or 5% where class II registered Hawaii products are involved, or 10% where class III registered Hawaii products are involved.

Weil's Code of Hawaii Rules, [Title 3, Chapter 124, § 3-124-31](#) - "Hawaii software development business" means any person, agency, corporation, or other business entity with its principal place of business or ancillary headquarters located in the State of Hawaii and which proposes to obtain 80 % of the labor for software development from persons domiciled in Hawaii.

Weil's Code of Hawaii Rules, [Title 3, Chapter 124, § 3-124-34\(a\)](#) - Price preference of 10 % applied to Hawaii software development businesses.

Weil's Code of Hawaii Rules, [Title 3, Chapter 124, § 3-124-44\(a\)](#) - Preference of 7% for in-

state contractors bidding on public works contracts.

Weil's Code of Hawaii Rules, Title 16, Chapter 77 §16-77-1.14 Instruction to Bidders.

Bidders seeking a Hawaii preference must identify the class and percentage of Hawaii product in their bid. The price bid for a Hawaii product will be decreased 3%, 5 % or 10 % for Class I, Class II or Class III products. (See [Title 9, § 103D-1002](#) above) In the case of a tie bid, preference will be given to registered Hawaii products. Reciprocal consideration will be given to out of state products and will be added to the out of state bid.

IDAHO:

Idaho Code, [Title 60, § 60-101](#) -- Preference for all printing, binding, engraving and stationery work to be executed within the State of Idaho, except when, as provided in § 60-103 of the Idaho Code, the instate charge is higher than is normally charged private individual or requires a technique or process not available in Idaho when that technique or process is essential.

Idaho Code, [Title 60, § 60-103](#) – Preference given to an Idaho person, firm or corporation proposing to execute printing, engraving, binding, and stationery work in the State of Idaho unless the price is more than 10% higher than a bid to perform the work out of state.

Idaho Code, [Title 67, § 67-2348](#) - Reciprocal preference applied in favor of Idaho domiciled contractors on public works contracts.

Idaho Code, [Title 67, § 67-2349](#) - Reciprocal preference for the purchase of any materials, supplies, services or equipment is awarded to a responsible bidder domiciled in Idaho.

Any bidder domiciled outside the boundaries of the State of Idaho may be considered an Idaho domiciled bidder provided that for a period of the year the bidder maintains in Idaho a fully staffed offices, or fully staffed sales offices or divisions, or fully staffed sales outlets, or manufacturing facilities, or warehouses or other necessary related property; and if a corporation be registered and licensed to do business in the State of Idaho.

Idaho Code, [Title 67, § 67-5718](#) - Where both the bids and quality of property offered are the

same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in the Idaho Code. In connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of [sections 60-101](#) and [60-103, Idaho Code](#), shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

Idaho Code, Title 44, Chapter 10 §44-1001 In all state, county, municipal, and school construc

Idaho Code, Title 44, Chapter 10, § 44-1002. In all contracts for state, county, municipal, and

Idaho Code, Title 50, Chapter 3, §50-341 In contracts by cities, when the expenditure contemplated exceeds \$25,000, where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture or from bidders having a significant Idaho economic presence as defined in section 67-2349, Idaho Code. (See above.)

Idaho Code Title 40, Chapter 9, § 40-906. and Title 31 Chapter 40, § 31-4003

When the expenditure contemplated for highways and bridges, or expenditures for which bids :

ILLINOIS:

Illinois Compiled Statutes Annotated, [30 ILCS 500/45-10](#) – Reciprocal Preference – When a contract is to be awarded to the lowest responsible bidder, a resident bidder is allowed a preference as against a non-resident bidder from any state that gives or requires a preference to bidders from that state.

If only non-residents bid, the purchasing agency is within its right to specify that Illinois labor and manufacturing locations be used in the manufacturing process, if applicable.

A resident bidder is defined as a bidder who is a person or foreign corporation authorized to transact business in the State of Illinois and has a bona fide establishment for transacting business within the State of Illinois.

Illinois Compiled Statutes Annotated, [30 ILCS 500/45-30](#) – Illinois purchasing agency are to give preference to articles, materials, services, food stuffs, and supplies produced or manufactured by persons confined to the Department of Corrections.

Illinois Compiled Statute Annotated, [30 ILCS § 500/45-35](#) - Preference to procure, without advertising bids, supplies and services from Illinois Sheltered workshops for the severely handicapped.

Illinois Compiled Statutes Annotated, [30 ILCS § 500/45-50](#) – A preference is awarded to a bidder for the use of agricultural products grown in Illinois.

Illinois Compiled Statutes Annotated, [30 ILCS 500/45-55](#) – A preference is awarded to a bidder, in contracts requiring the procurement of plastic products, who fulfill the contract through the use of plastic products made from Illinois corn by-products.

Illinois Compiled Statutes Annotated, [30 ILCS § 500/45-60](#) - Preference to award contract for vehicles to a bidder or offeror who will fulfill the contract through the use of vehicles powered by ethanol produced from Illinois corn or bio diesel fuels produced from Illinois soybeans.

Illinois Compiled Statutes Annotated, [30 ILCS § 520/2](#) - Preference given to vendors in those states whose preference laws do not prohibit the purchase by the public institutions of commodities grown or produced in Illinois. Applies to all Illinois state agencies. The term "institution" means all institutions maintained by the State of Illinois or any political subdivision thereof or municipal corporation therein, including municipally-owned public utility plants. (30 ILCS § 520/1)

Illinois Compiled Statutes Annotated, [30 ILCS § 555/1](#) -Every institution in the State of Illinois is required to give a 10% preference to the cost of coal mined in the State of Illinois if used as fuel. The term "institution" means all institutions maintained by the State of Illinois or any political subdivision thereof or municipal corporation therein, including municipally-owned public utility plants. (30 ILCS § 555/2)

Illinois Compiled Statutes Annotated, [30 ILCS § 565/2](#) - Preference for steel products

produced in the United States in all contracts for construction, reconstruction, repair, improvement or maintenance of public works. "Steel products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed, or processed by a combination of two or more such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process. (30 ILCS § 565/3)

Illinois Administrative Code, [44 Ill. Admin. Code §1.4535](#)– Preference is given to articles, materials, services, food stuffs and supplies that are produced or manufactured by persons with disabilities in state use sheltered workshops.

Illinois Administrative Code, [44 Ill. Admin. Code §500.1110](#) - Resident Vendor Preference -An Illinois resident bidder shall be allowed a preference as against a non-resident bidder from any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder. An Illinois resident bidder is a person or foreign corporation authorized to transact business in Illinois and who has a bona fide establishment for transacting business within Illinois.

Illinois Administrative Code, [44 Ill. Admin. Code §526.4530](#) Universities must give a preference to supplies or services made available from Correctional Industries for procurements by public institutions of higher education.

Illinois Administrative Code, [44 Ill. Admin. Code § 1120.4510](#) - Preference for Illinois resident vendor in tie bids. An "Illinois resident vendor" is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State and was actually transacting business on the date when any competitive solicitation for a public contract was first advertised or announced. An Illinois resident vendor who would perform the services or provide the supplies from another state, or produces or performs at least 51% of the goods or services in another state, will be considered a resident of the other state as against an Illinois resident vendor who performs the services or provides the supplies from Illinois. Reciprocal preference is applied against vendors considered residents of another state if the state has an in-state preference.

INDIANA:

Indiana Code, [Title 5, Article 22, Chapter 15, § 5-22-15-20](#)– A reciprocal preference may be awarded in favor of Indiana businesses by a governmental body. This section does not apply to the Indiana State Lottery Commission.

Indiana Code, [Title 5, Article 22, Chapter 15, § 5-22-15-21](#) – A preference for governmental bodies to purchase supplies manufactured in the United States. This section does not apply to the Indiana State Lottery Commission.

Indiana Code, [Title 5, Article 22, Chapter 15, § 5-22-15-22](#) - Preference applied for coal mined in Indiana when purchasing coal for fuel. The preference does not apply to Lottery Commission or if federal law requires the use of low sulphur coal in the circumstances for which the coal is purchased.

Indiana Code, [Title 5, Article 22, Chapter 15, § 5-22-15-23](#) - A preference of 15% is awarded to an Indiana small business. Small business is defined as a business that is independently owned and operated; is not dominant in its field of operation; and has the following criteria: (1) A wholesale business is not a small business if its annual sales for its most recently completed fiscal year exceed \$4,000,000. (2) A construction business is not a small business if its average annual receipts for the preceding three (3) fiscal years exceed \$4,000,000. (3) A retail business or business selling services is not a small business if its annual sales and receipts exceed \$500,000. (4) A manufacturing business is not a small business if it employs more than 100 persons. (Burns Indiana Code, §5-22-14-3)

Indiana Code Title 4, Article 13, Chapter 6 [§2.7](#) (See [IC5-15-20](#) below) Preference for Indiana businesses with principal place of business located in Indiana, that pays a majority of its payroll (in dollar volume) to residents, and has a substantial positive economic impact on Indiana

(c) There are the following price preferences for a contractor that is an Indiana business:

(1) Five percent (5%) for a contract expected by the division to be less than five hundred thousand dollars (\$500,000).

(2) Three percent (3%) for a contract expected by the division to be at least five hundred thousand dollars (\$500,000) but less than one million dollars (\$1,000,000).

(3) One percent (1%) for a contract expected by the division to be at least one million dollars (\$1,000,000).

The division shall award a contract to the lowest responsive and responsible contractor, regardless of the preference provided in this section, if:

(1) the contractor is an Indiana contractor; or

(2) the contractor is a contractor from a state bordering Indiana and the contractor's home state does not provide a preference to the home state's contractors more favorable than is provided by Indiana law to Indiana contractors.

Indiana Code Title 5 Article 22 Chapter 15 [§20 IC 5-22-15-20](#) (see definition of Indiana business listed under [IC 4-13.6-6-2.7](#) above)

A governmental body may adopt rules to give a preference to an Indiana business that submits

an offer for a purchase under this article if the criteria listed in **IC 4-13.6-6-2.7** apply Rules must provide that a contract shall be awarded to the lowest responsive and responsible offeror, regardless of the preference provided under this section, if:

(1) the offeror is an Indiana business; or

(2) the offeror is a business from a state bordering Indiana and the offeror's home state does not provide a preference to the home state's businesses more favorable than is provided by Indiana law to Indiana businesses

Indiana Code Title 5 Article 22 Chapter 11 §1[IC 5-22-11-1](#)

Requirement to purchase from the department of correction

Sec. 1. **Preference** for supplies and services produced or manufactured by the Indiana Department of Correction unless the supplies and services cannot be furnished in a timely manner *as added by P.L.49-1997, SEC.1.*

IOWA:

Iowa Code Annotated, [Title I, Subtitle 7, Chapter 18, § 18.6](#) Preference in tie bids for equipment, supplies or services to be awarded to Iowa products and purchases from Iowa based businesses. Reciprocal preference shall be applied against states that mandate a percentage preference for the purchase of equipment, supplies, or services.

Preference for products produced for sale by sheltered workshops, work activity centers, and other special programs funded in whole or in part by public moneys that employ persons with mental retardation or other developmental disabilities or mental illness if the products meet the required specifications. Preference for products produced for sale by employers of persons in supported employment. This section does not apply to Iowa technology center contracts in support of activities performed for another governmental entity, either state or federal. The Iowa technology center is an entity created by a Chapter 28E agreement entered into by the department of public defense.

Iowa Code Annotated, [Title II, Subtitle 3, Chapter 73, §73.1 I.C.A. § 73.1](#) – Preference by state, county, township, school district, or city commission, boards, committees, officer or other governing bodies for products and provisions grown and coal produced within Iowa when found in marketable quantities, reasonable quality, and may be purchased without additional cost over products from outside the state. This does not apply to a school district participating in the federal school lunch program. All requests for proposals for materials, products, supplies, provisions and other articles and services shall not be written in a way to exclude an Iowa-based company capable of filling the needs from submitting a responsive proposal.

Iowa Code Annotated, [Title II, Subtitle 3, Chapter 73, § 73.6](#) - Preference for the purchase of coal that is mined or produced within the State of Iowa by producers who are complying with all the workers' compensation and mining laws of the state.

Iowa Code Annotated, [Title II, Subtitle 3, Chapter 73, § 73.16](#) – State Agencies, community colleges, education agencies and school districts must attain a goal making 10% of their purchases of goods and services, including construction, but not including utility services, from certified targeted small businesses under the Iowa uniform small business vendor application program.

Iowa Code Annotated, [Title II, Subtitle 3, Chapter 73A, § 73A.21](#) – Reciprocal preference is applied by Iowa state agencies and political subdivisions in public improvement contracts. The reciprocal preference is applied against a nonresident bidder from a state or foreign country which gives or requires a preference to bidders from that state or foreign country.

Public improvement means a building or other construction work which includes road construction, reconstruction and maintenance projects. (See Iowa Code, Chapter 73, §73A.1; and Iowa Administrative Code, §27-6.2)

Resident bidder means a person authorized to transact business in the state of Iowa and who has a place of business for transacting business within the state at which it has conducted business for at least 6 months. 51% of the resident bidder's common stock has to be owned by residents of Iowa.

Iowa Code Annotated, [Title IX, Local Gov't Subtitle 1, Chapter 331, §331.341](#). Preference by County Boards for Iowa products and labor.

Iowa Code Annotated, [Title VII, Subtitle 7, Chapter 304, §304A.13](#) Preference for the selection of fine art works created or otherwise made by living or deceased Iowa artists.

Iowa Code Annotated, [Title I, Subtitle 4, Chapter 8A, Subchapter 3, §8A.311](#). Tie-breaking and reciprocal preference for goods produced in Iowa unless quantity too small to be effective.

KANSAS:

Kansas Statutes Annotated, [§ 75-3740](#)

Preference in tie bids awarded to bidder within the State of Kansas.

Kansas Statutes Annotated, [§ 75-3740a](#) - Reciprocal preference is applied against a contractor domiciled outside of the State of Kansas for contracts for the erection, construction, alteration, repair or addition to any public building or structure; or for any purchase of goods, merchandise, materials, supplies or equipment of any kind.

KENTUCKY:

Kentucky Revised Statutes, [Title VI, § 45A.470](#) - Preference for all governmental bodies and political subdivisions of the State of Kentucky to purchase commodities or services from the Kentucky Department of Corrections. Second preference given to the Kentucky Industries for the Blind.

Kentucky Revised Statutes, [Title VI, § 45A.873](#). A reciprocal preference for Kentucky bond counsel firms equal to the preference that the out-of-state firm receives in its state of origin when that firm as an in-state firm competes against out-of-state firms for state bond counsel business.

Kentucky Revised Statutes, [Title VII, § 56.005](#) - Preference for composted materials collected at Kentucky state and local facilities, to be used by state agencies for projects including, but not limited to, roadway construction, reconstruction, or maintenance, restoration of sites including abandoned mine lands reclamation, stream bank stabilization, and reforestation.

Kentucky Revised Statutes, [Title VII, §56.005](#) - Preference for composted materials collected at Kentucky state and local facilities, to be used by state agencies.

Kentucky Revised Statutes, [Title XVII, § 197.210](#) and [Title VI, §45A.470](#) –

Preference to purchase products made by Kentucky prison industries.

Kentucky Revised Statutes, Title XII, §148.835

Pilot projects in state parks must buy Kentucky raised catfish, herbs, vegetables, fruit and nuts.

Kentucky Revised Statutes, Title VI, §45A.645

Where available, agencies are encouraged to purchase Kentucky-grown agricultural products, not including tobacco, from vendors participating in the Kentucky Grown Logo or labeling program.

[Kentucky Administrative Regulation Title 200, Chapter 5, §325](#) - A state agency shall consider Kentucky-made wood products on master agreements.

LOUISIANA:

Louisiana Revised Statutes, Title 27, Chapter 5, Part VI, §246. In purchasing or contracting for goods and services, the casino gaming operator and the corporation shall give preference and priority to Louisiana residents, laborers, vendors, and suppliers except where not reasonably possible to do so without added expense, substantial inconvenience, or sacrifice in operational efficiency. The corporation shall give preference to select a casino operator who demonstrates the willingness and ability to purchase and contract for goods and services from or with Louisiana residents, laborers, vendors, and suppliers.

Louisiana Revised Statutes, Title 30, Subtitle II, Chapter 18, § 30:2415 – 5% preference for state agencies in Louisiana to purchase recycled paper and paper products, tissue and paper towels that contain recycled content, provided that such products are either manufactured in Louisiana or contain recovered materials diverted or removed from the solid waste stream which otherwise would go into a Louisiana landfill.

Louisiana Revised Statutes, Title 38, Chapter 10, Part I, § 38:2184 - Preference given to supplies material, or equipment produced or offered by Louisiana citizens, cost and quality being equal.

Louisiana Revised Statutes, Title 38, Chapter 10, Part II, § 38:2225 –

Reciprocal preference against nonresident contractors in public works contracts.

Louisiana Revised Statutes, Title 38, Chapter 10, Part IV § 38:2251 -- A preference is applied for products assembled, processed, produced or manufactured in Louisiana as long as the price does not exceed the cost of such products from out of state by more than 10%.

A preference is applied for processed meat, meat products, domesticated catfish and produce grown outside of the State of Louisiana, but processed in the State of Louisiana if it does not exceed the cost of these items processed outside the state by 7%.

A preference is applied for produce produced and processed in Louisiana as long as it does not exceed the cost of produce produced and processed outside the state by more than 10%.

A preference is applied for purchasing Louisiana products which include materials, supplies and equipment as long as they do not exceed the cost of non Louisiana products by more than 10%. "Louisiana products" means products which are manufactured, processed, produced, or assembled in Louisiana.

The following products are given tie breaking preference where quality and cost are equal:

Paper and paper products are to be manufactured and converted in Louisiana.

"Manufactured" means the process of making a product suitable for use from raw materials by hand or by machinery. "Converted" means the process of converting a roll stock into a sheeted and fully packaged product in a full-time converting operation.

Agricultural or forestry products are to be produced, manufactured or processed in Louisiana.

Meat and meat products shall be processed in Louisiana from animals which are alive at the time they enter the processing plant.

Seafood shall be harvested in Louisiana seas or other Louisiana waters and products produced from such seafood shall be processed in Louisiana.

Domesticated catfish shall be processed in Louisiana from animals which were grown in Louisiana.

Eggs and egg products are to be processed from eggs laid in Louisiana. (See § 39:1595 for percentage of preference)

Louisiana Revised Statutes, [Title 38, Chapter 10, Part IV § 38:2251.1](#) – A preference for milk and dairy products produced or processed in Louisiana unless it exceeds the cost of milk from outside the state by 10%.

Louisiana Revised Statutes, [Title 38, Chapter 10, Part IV § 38:2251.2](#) -- A 10% preference for steel rolled in Louisiana unless it exceeds the cost of rolled steel from outside the state by 10%.

Louisiana Revised Statutes Title 38 Chapter 10. [Part IV. §2252](#). Preference to materials, supplies and provisions, produced, manufactured or grown in Louisiana quality being equal to articles offered by competitors outside of the state.

Louisiana Revised Statutes, Title 38. Chapter 10, Part IV, §2261. Preference for goods manufactured, or services performed, by Louisiana state operated sheltered workshops for severely handicapped individuals.

Louisiana Revised Statutes, [Title 39, §39:1595\(J\)](#)– A reference is applied for the procurement or purchase of 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, and which is equal in quality to such products manufactured, processed, or refined outside of Louisiana as long as the price is not more than 10% higher than such products from outside the state.

Louisiana Revised Statutes, [Title 38, § 38:2253](#) -- Preference in tie bids awarded to firms doing business in the State of Louisiana.

Louisiana Revised Statutes, [Title 39, § 39:1595](#) – Preferences only apply to bidders whose Louisiana business workforce is comprised of a minimum of 50% of Louisiana residents. A preference is applied for products produced, manufactured, assembled, grown or harvested in Louisiana; for meat and meat products and domesticated catfish processed in Louisiana; and for eggs or crawfish processed in Louisiana if the cost is not more than 7% higher than the cost of these products processed out of state.

Louisiana Revised Statutes, [Title 39, § 39:1595.1](#) - Reciprocal preference in favor of contractors domiciled in Louisiana is awarded in contracts, except contracts for the construction, maintenance, or repair of highways and streets.

Louisiana Revised Statutes, [Title 39, § 39:1595.2](#) - Reciprocal preference in favor of contractors domiciled in Louisiana is awarded in public works contracts.

Louisiana Revised Statutes, [Title 39, § 39:1595.3](#) – A preference is awarded to resident vendors to organize or administer rodeos and livestock shows as long as they do not exceed in cost by more than 10% those services available from outside the state.

Louisiana Revised Statutes, [Title 39, § 39:1595.5](#) - A preference is awarded for items purchased from a retail dealer located in the state of Louisiana provided the cost does not exceed by more than 10 % the cost of items purchased from a retail dealer located outside the state.

Louisiana Revised Statutes, [Title 39, § 39:1595.6](#)– A preference is applied for purchasing steel rolled in Louisiana as long is it does not cost more than 10% more than steel rolled outside the state.

Louisiana Revised Statutes, [Title 39, § 39:1733](#) - Set aside for awarding to small businesses an amount not to exceed 10 % of the value of anticipated total state procurement of goods and services, excluding construction.

Louisiana Revised Statutes, [Title 46, Chapter 38 Part III.](#)

Subpart B. §333. Preference to blind persons, under the administration of the Louisiana Department of Social Services, in the operation of vending stands, vending machines, and other small business concessions to be operated on the premises on State controlled

properties.

Louisiana Revised Statutes Title 48. Chapter 1, [Subpart B. §255.6. Preference in letting contracts for public works](#)

Provides a reciprocal preference applied to nonresident contractors bidding on a public works contract.

Louisiana Administrative Code, [Title 34, Part 1, Chapter 5, § 529](#) – Tie bid - In state contracts awarded by competitive sealed bidding; resident business are preferred over nonresident businesses where there is a tie bid.

MAINE:

Maine Revised Statutes Annotated, Title 5, § 1824.

Political subdivisions, governmental agency or public benefit corporation of the State must purchase, when and where possible, from the Maine Center for the Blind and Visually Impaired.

Maine Revised Statutes Annotated, [Title 5, § 1825-B](#) - Preference in tie bids to award contracts to in-state bidders or to bidders offering commodities produced or manufactured in the State of Maine if the price, quality and availability and other factors are equivalent. Reciprocal preference applied in favor of Maine businesses.

Maine Revised Statutes Annotated, [Title 5, § 1826-C](#) - Preference for products and services from work centers. Second preference given to purchases from the Department of Corrections if no bid is received from a work center.

"Work center" means a program that provides vocational rehabilitation services to individuals with disabilities to enable those individuals to maximize their opportunities for employment, including career advancement. (M.R.S. 1826-B)

Maine Revised Statutes Annotated, Title 7, Chap 8-A, §213

Assuming reasonable similarity in quality, quantity and availability with other foodstuffs offered for sale, state or school purchasers shall buy meat, fish, dairy products, excluding milk and eggs, and species of fruits and fresh vegetables, directly from Maine food producers or from food brokers who assist in the distribution of foodstuffs produced or harvested by Maine food producers as long as it does not increase institutional meals more than 30 cents per day or school meals more than 7 cents per meal.

Maine Revised Statutes Annotated, [Title 26, Chapter 15, § 1301](#) - Preference in tie bids awarded to workmen and bidders who are residents of the State of Maine for contracts that are greater than \$1,000 for constructing, altering, repairing, furnishing or equipping its buildings or public works.

MARYLAND:**Annotated Code of Maryland, Title 3, §3-515**

A unit of State government shall purchase goods or services that are available from State Use Industries at a price not exceeding the prevailing average market price.

Annotated Code of Maryland, Article 24, Title 8, [§ 8-102](#) -. "Maryland firm" means a business entity that has its principal office in the State of Maryland.

Reciprocal preference. When awarding a contract by competitive bidding, if the state in which a nonresident firm is located gives an advantage to its resident businesses, a political subdivision or any instrumentality of government within the State may give an identical advantage to the lowest responsive and responsible bid from a Maryland firm over that of the nonresident firm.

Annotated Code of Maryland, Title 14, § 14-103. Priority of preferences

The State or a State aided or controlled entity shall buy supplies and services from: (1) State Use Industries, as provided in Title [3](#), Subtitle [5 of the Correctional Services Article](#), if State Use Industries provides the supplies or services; (2) Blind Industries and Services of Maryland, if: (i) Blind Industries and Services of Maryland provides the supplies or services; and (ii) State Use Industries does not provide the supplies or services; or (3) sheltered workshops if: (i) a sheltered workshop provides the supplies or services; (ii) neither State Use Industries nor Blind

Industries and Services of Maryland provides the supplies or services; and (iii) the State or a State aided or controlled entity is not required by law to buy the supplies or services from any other unit of the State government.

Annotated Code of Maryland, State Finance and Procurement Code, Title 14, §14-206 - Preference applied to a small business as long as price does not exceed low bid by more than 5%. Percentage preference may vary among industries to account for their particular characteristics. "Small business" preference means a purchase request for which bids are invited from a list of qualified bidders that includes small businesses. (Md. State Finance and Procurement Code, § 14-201, 202)

Annotated Code of Maryland, State Finance and Procurement Code, Title 14, §14-207. 5% preference by General Services, Department of Transportation, or the University System of Maryland for a procurement contract designated for a small business preference to the small business that is a responsible bidder.

Annotated Code of Maryland, State Finance and Procurement Code, § 14-401 – “Resident bidder” means a bidder whose principal office is located in the State of Maryland. Reciprocal preference applied in favor of resident bidders in procurement contracts for supplies and services. “Preference” includes a percentage preference; an employee residency requirement; or any other provision that favors a resident over a nonresident.

Annotated Code of Maryland, State Finance and Procurement Code, § 14-404 - Preference for the use of Maryland coal in the design of a heating system for a building or facility in which the State of Maryland provides at least 50 % of the money for construction of the building or facility.

MASSACHUSETTS:

Massachusetts General Laws Annotated, Part I, Title II, Chapter 7, § 22 - Preference in tie bids for supplies and materials manufactured and sold within the State of Massachusetts. An additional preference may be applied for supplies and materials manufactured and sold in cities and towns of Massachusetts that are designated as depressed areas as defined by the Department of Labor of the United States.

Massachusetts General Laws Annotated, Part I, Title XXI, Chapter 149, § 179A --

Preference in tie bids to U.S. citizens in awarding of public work contracts.

MICHIGAN:

Michigan Statutes Annotated, [Chapter 18, Article 2, 18.1261\(1\)](#) - Preference in tie bids for services or products manufactured by Michigan-based firms.

Michigan Statutes Annotated, [Chapter 18, Article 2, 18.1268\(5\)](#) - Reciprocal preference in favor of certified Michigan business applied in procurements in excess of \$100,000.

Michigan Statutes Annotated, [Chapter 18, 18.1702](#) - Preference in tie bids for the purchase of fish harvested in the waters of the State of Michigan.

Michigan Statutes Annotated, [Chapter 24, 24.61](#) - Printing paid wholly or in part with state funds must be printed within the State of Michigan. Firms must use the allied printing trades council union label.

Michigan Statutes Annotated, [Chapter 45, 45.85](#) - County purchasing agent shall give tie-breaking preference in contracts for all supplies, merchandise, printing and articles of every description, to bidders who have an established local business in the county.

MINNESOTA:

Minnesota Statutes, Annotated, [§ 16C.06](#) – Reciprocal preference applied against other states with resident **preference in the** acquisition of goods and services. A resident vendor shall be allowed a **preference** over a nonresident vendor from a state that gives or requires a **preference** to vendors from that state. The **preference** shall be equal to the **preference** given or required by the state of the nonresident vendor.

Minnesota Statutes, Annotated, [§ 16C.16](#) - Set-aside of at least 25% of total state procurement of goods and services, including printing and construction to be awarded to small businesses. Small businesses are to have their principal place of business in Minnesota.

A preference of up to 6% is to be applied to small targeted group businesses. Small targeted group businesses are majority owned and operated by women, persons with a substantial physical disability, or specific minority groups.

Up to a 4% preference may be awarded in the amount bid on state construction to small businesses located in an economically disadvantaged area.

A business is considered to be in an economically disadvantaged area if (1) the owner resides in or the business is located in a county in which the median income for married couples is less than 70 % of the state median income for married couples; (2) the owner resides in or the business is located in an area designated a labor surplus area by the United States Department of Labor; or (3) the business is a rehabilitation facility or work activity program.

Minnesota Administrative Code, §1230.0900 Tied Bids. Whenever a tie involves a Minnesota firm and one whose place of business is outside the state of Minnesota, preference shall be given to the Minnesota firm.

Minnesota Administrative Code, § 1230.1830 A certified economically disadvantaged small business may be awarded up to a 6 % preference for commodities and services and a 4 % preference for construction projects.

MISSISSIPPI:

Mississippi Code 1972 Annotated, § 31-3-21 - Preference in tie bids given to resident bidders of the State of Mississippi for public contracts; and reciprocal preference in favor of in-state bidders for public contracts.

“Public project” is any project for the erection, building, construction, reconstruction, repair, maintenance or related work which is funded in whole or in part with public funds. (See §31-3-1)

Mississippi Code 1972 Annotated, § 31-5-17. Public works; residency requirements of laborers. Every public officer, contractor, superintendent, or agent engaged in or in charge of the construction of any state or public building or public work of any kind for the State of Mississippi or for any board, city commission, governmental agency, or municipality of the State of Mississippi shall employ only workmen and laborers who have actually resided in Mississippi for two years next preceding such employment.

Mississippi Code 1972 Annotated, § 31-5-23 - Public Works Projects - In the construction of any building, highway, road, bridge or other public work or improvement a preference is awarded in tie bids for the use of only materials grown, produced, prepared, made and or manufactured within the State of Mississippi. The paint, varnish and turpentine used in construction are to be produced in Mississippi.

Mississippi Code 1972 Annotated, § 31-7-15 - Preference in tie bids given to resident bidders of the State of Mississippi for commodities grown, processed or manufactured within the State of Mississippi.

Any foreign manufacturing company with a factory in the state and with over 50 employees working in the state shall have preference over any other foreign company where both price and quality are the same, regardless of where the product is manufactured

Mississippi Code 1972 Annotated § 31-7-16. Purchase of certain equipment capable of being manufactured or assembled in separate units. In the event equipment is required which is capable of being manufactured or assembled in separate units such as school bus chassis and bodies or other bodies of equipment installed upon chassis, and there is a manufacturer of such bodies located within the State of Mississippi, a public purchase may be made of such chassis and such body or equipment as separate items.

Mississippi Code 1972 Annotated §31-7-18

Preference to lowest bid received from a motor vehicle dealer domiciled within the county of the governing authority for any motor vehicle having a gross vehicle weight rating of less than twenty-six thousand (26,000) pounds that shall not exceed a sum equal to three percent (3%) greater than the price or cost which the dealer pays the manufacturer.

Mississippi Code 1972 Annotated, § 31-7-47 - Preference in tie bids given to resident bidders of the State of Mississippi in the letting of public contracts, and reciprocal preference when awarding public contracts to out-of-state bidders.

Mississippi Code 1972 Annotated, § 73-13-45, - Preference in tie bids given to resident contractors of the State of Mississippi for professional engineering services; and reciprocal preference when awarding to out-of-state contractors for professional engineering services.

MISSOURI:

Missouri Revised Statutes, Title II, [§ 8.280](#) - Preference to use products from the mines, forests, and quarries of the State of Missouri for the construction or repair of public buildings. Preference is also given for using Missouri materials and labor.

Missouri Revised Statutes, Title IV, [§ 34.060](#) - Preference in tie bids to purchase materials, products, supplies, provisions, and all other articles produced or manufactured, made or grown within the State of Missouri. A preference in tie bids is also applied in favor of individuals doing business as Missouri firms, corporations, or individuals.

Missouri Revised Statutes, Title IV, [§ 34.070](#) - Preference in tie bids to all commodities manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals.

Missouri Revised Statutes, Title IV, [§ 34.073](#) - Preference in tie bids for the performance of any job or service given to bidders doing business as Missouri firms, corporations or individuals, or which maintain Missouri offices or places of business.

Missouri Revised Statutes, Title IV, [§ 34.076](#) - Reciprocal preference applied against a bidder domiciled outside the boundaries of the State of Missouri for any public works or product. Reciprocal preference is awarded in favor to a bidder or contractor domiciled in Missouri for products and for public works contracts. Reciprocal preference does not apply to any contractor who is qualified for bidding purposes with the department of transportation and submits a successful bid where part of or all funds are furnished by the United States. It also does not apply to contracts for highways and public transportation where the bid is less than \$5,000.

Missouri Revised Statutes, Title IV, [§ 34.080](#) - Preference in tie bids for the purchase of coal mined in the State of Missouri to be used by any institution supported in whole or in part by public funds of the state. In determining the cost of the coal mined either in the state of Missouri or an adjoining state, the cost of transportation is included in the bid. The term "institution" includes all institutions supported by public funds of the state, but does not include municipal corporations, political subdivisions or public schools.

Missouri Revised Statutes Title IV, [§34.090](#) – Preference is given to any products

manufactured by any institution of the state of Missouri.

Missouri Revised Statutes, Title IV, § 34.165 - Preference of 5 bonus points awarded for products or services manufactured, produced or assembled in qualified nonprofit organizations for the blind.

Missouri Revised Statutes, Title IV, §34.363 – Notice of state bidding opportunities shall be given to Missouri manufacturers or service providers. A list of Missouri products will be made available to all state agencies, public institutions of higher education and other interested parties. State agencies must make a good faith search of Missouri companies and products. The commissioner of the office of administration shall ensure state agencies follow the requirements of this section and the preference provisions in Chapter 34.

Missouri Statute §50.780 Counties and Townships may give preference to merchants and dealers within their counties provided the price offered is not above that offered elsewhere.

Missouri Code of State Regulations, Title 1, Division 40, 40-1.050 -Bids/proposals submitted for products and services manufactured, produced or assembled in qualified nonprofit organizations for the blind or in sheltered workshops holding a certificate of approval from the Missouri Department of Elementary and Secondary Education shall be entitled to 5 bonus points in addition to other points awarded during the evaluation process. When bids are equal in all respects, any preferences shall be applied in accordance with applicable statute. (See above)

Missouri Code of State Regulations, Title 6, Division 250, Chapter 3, §020. Preference for Missouri goods and services as long as it does not increase cost except in emergencies or when not readily available.

MONTANA:

Montana Code Annotated, § 18-1-102 – Reciprocity - Montana resident bidders are allowed a reciprocal preference against nonresident bidders on public contracts for construction, repair and public works of all kinds, and the purchase of goods. The reciprocal preference given to the resident bidder must be equal to the preference given to the other state or country.

Montana Code Annotated, § 18-1-103 – Definitions – The word “resident “ includes actual

residence of an individual within the State of Montana for a period of more than 1 year immediately prior to bidding. In a partnership enterprise, limited liability company, or association, the majority of all partners or members must have been actual residents of the state of Montana for more than 1 year immediately prior to bidding. Domestic corporations organized under the laws of the state of Montana are prima facie eligible to bid as residents, but this qualification may be set aside and a successful bid disallowed when it is shown to the satisfaction of the board, commission, officer, or individual charged with the responsibility for the execution of the contract that the corporation is a wholly owned subsidiary of a foreign corporation or that the corporation was formed for the purpose of circumventing the provisions relating to residence.

Montana Code Annotated, § 18-2-401 - Definition for the purpose of labor used in construction contracts pursuant to §18-2-409.

Resident - A "bona fide resident of Montana" is a person who, at the time of employment and immediately prior to the time of employment, has lived in this state in a manner and for a time that is sufficient to clearly justify the conclusion that the person's past habitation in this state has been coupled with an intention to make it the person's home. Persons who come to Montana solely in pursuance of any contract or agreement to perform labor may not be considered to be bona fide residents of Montana.

Montana Code Annotated, § 18-2-403 In every public works contract, there must be inserted in the bid specification and the public works contract a provision requiring the contractor to give preference to the employment of bona fide residents of Montana in the performance of the work.

Montana Code Annotated, § 18-2-409 - Montana residents to be employed on state construction contracts. On any state construction project funded by state or federal funds, except a project partially funded with federal aid money from the United States Department of Transportation or where residency preference laws are specifically prohibited by federal law and to which the state is a signatory to the construction contract, at least 50% of the workers must be bona fide Montana residents, as defined in 18-2-401.

Montana Code Annotated, § 18-7-107 - All printing, binding and stationery work for the State of Montana is subject to the reciprocal preference in §18-1-102.

Montana Code Annotated, § 32-2-105. - Reciprocity.

When another state imposes taxes, fines, penalties, licenses, fees, deposits of money or securities, or other obligations or prohibitions on building and loan associations of this state doing business in that state, the same obligations and prohibitions shall be imposed on associations or agents of that state conducting or attempting to conduct a building and loan business or a business of like kind or character in this state.

Montana Administrative Rules, STATE PROCUREMENT [2.5.408](#)

Reciprocal preference against the bid of a nonresident bidder equal to the percent of the preference given to the bidder in the state or country in which the bidder is a resident applied only to an invitation for bid for supplies or an invitation for bid for non-construction services for public works.

NEBRASKA:

Nebraska Revised Statutes, [§ 73-101.01](#) - Reciprocal preference in favor of Nebraska resident business in the letting of a public contracts for road contract work or any public improvements work, or for supplies, construction, repairs and improvements except where it not permitted by Federal regulation or law (See Nebraska R.S., §73-101 exceptions to §73-101 in §73-106 below).

A resident bidder is any person, partnership, foreign or domestic limited liability company, asso

Nebraska Revised Statutes, §73-106 School district; construction, remodeling, or repair c

Whenever any public school district in the state expends public funds for the construction, remc

Nebraska Revised Statutes, § 81-1276

The Existing Business Assistance Division may contract with any postsecondary institution of hi

Nebraska Revised Statutes §83-145 Tie-breaking preference for goods, farm-products and printing from the Nebraska Correctional Services. Goods received from divisions of corrections outside of Nebraska shall be of the same status and will be subject to the same restrictions and penalties as if they had been manufactured in the Nebraska Department of Correctional Services.

Nebraska Revised Statutes, § 83-152 Goods made by confined persons; reciprocity. Goo

Nebraska Revised Statutes §82-323. The Nebraska Arts Council shall give a preference to regional artists in its selection of and commissioning of artists.

Nebraska Revised Statutes §48-1503

Governmental subdivisions may negotiate directly with sheltered workshops (defined below) for products and services.

Nebraska Revised Statutes §14-564. City Councils may negotiate directly with sheltered workshops (defined below) for supplies.

Nebraska Revised Statutes - Chapter 48 § 1501: Sheltered workshop, defined.

Sheltered workshop shall mean a facility in Nebraska operated by a public agency or a private r

Nebraska Administrative Code [Title 9, Chapter 4, §003](#). Tie bid preference for Nebraska bid

Nebraska Administrative Code Title 199, Chapter 2, §002. In scrap tires cleanup and recycli

Nebraska Administrative Code, Title 192, Chapter 1, §005.05. Commission for the Blind will give preference to comparable goods and services that can be procured from Nebraska service providers and businesses. Use of out-of-state vendors is limited to situations in which an out-of-state vendor is geographically closer to the recipient, the good or service is not available in-state, or the total cost to the program for the good or service is substantially less considering the actual and related cost of the good or service.

NEVADA:

Nevada Revised Statutes, [Title 27, § 333.300](#) - Preference in tie bids to Nevada businesses for the purchase of supplies, materials and equipment; preference in tie bids with nonresident bidders awarded to bidder who will furnish goods or commodities produced or manufactured in the State of Nevada, or to the bidder who will furnish goods or commodities supplied by a

dealer in the State of Nevada.

Nevada Revised Statutes, Title 27, §333.336 Preference imposed on non-resident bidders by increasing the non-resident's bid or proposal equivalent to the preference the state of which the bidder is a resident denies to bidders or contractors who are residents of Nevada.

Nevada Revised Statutes Title 27, §333.375 The Purchasing Division may award a contract for services or commodities without accepting competitive bids to certain Nevada organizations or agencies described in [chapter 435 of NRS](#) whose primary purpose is the training and employment of persons with a mental or physical disabilities.

Nevada Revised Statutes, Title 27, § 333.410 – Preference is awarded to state institutions who use the labor of inmates to supply commodities or services.

Nevada Revised Statutes, Title 27, § 333.4606 - Preference to a bidder who manufactures a product in Nevada in which at least 50 % of the weight of the product is post-consumer waste (a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item) whose price is not more than 10% higher.

Nevada Revised Statutes, Title 27, § 333.410 Tie breaking preference so far as practicable, for quotations secured from institutions of the state whenever commodities or services are of kinds that are prepared through the labor of inmates.

NEW HAMPSHIRE:

New Hampshire Revised Statutes, Title I, § 21-I: 19.

Preference, at fair market price, for products manufactured by persons with disabilities and services rendered by persons with disabilities by any charitable nonprofit agency for the disabled, which is incorporated under the laws of New Hampshire.

NEW JERSEY:**New Jersey Statutes Annotated §30:6-15.1**

Preference in granting permits to operate vending facilities in State Buildings given to blind persons who have lived in New Jersey at least one year and are under the supervision and control of the said New Jersey Commission for the Blind.

New Jersey Statutes Annotated, § 52:32-1.4 - Reciprocal preference in favor of New Jersey resident bidders awarded in contracts for goods and services.

New Jersey Administrative Code, § 17:12-2.13 Reciprocal preference in favor of a New Jersey resident bidder is applied in the evaluation of bids. Reciprocal preference may be waived for (1) procurements supported by Federal funds where Federal rules prohibit the use of residential preferences; (2) if it would result in an award to a vendor which has a poor record of complaints; (3) when a public exigency requires the immediate delivery of articles or performance of the service; and (4) if when after price and other factors are considered, an award is considered to be “most advantageous” to the State of New Jersey.

New Jersey Administrative Code, §17:12-2.13 Reciprocal preference in favor of a New Jersey resident bidder is applied in the evaluation of bids. Reciprocal preference may be waived for (1) procurements supported by Federal funds where Federal rules prohibit the use of residential preferences; (2) if it would result in an award to a vendor which has a poor record of complaints; (3) when a public exigency requires the immediate delivery of articles or performance of the service; and (4) if when after price and other factors are considered, an award is considered to be “most advantageous” to the State of New Jersey.

NEW MEXICO:**New Mexico Statutes Annotated, § 13-1-21**

Other than for the purchase of school buses or when the expenditure of federal funds is involved for a bid price greater than \$5,000,000.00 the following preferences apply: (note in the calculations that New Mexico prefers local manufacturers over local businesses.)

When bids are received only from nonresident businesses and resident businesses and the lowest responsible bid is from a nonresident business, the contract shall be awarded to the resident business whose bid is nearest to the bid price of the otherwise low nonresident business bidder if the bid price of the resident bidder is made lower than the bid price of the nonresident business when multiplied by a factor of .95.

When bids are received only from nonresident businesses and resident manufacturers and the lowest responsible bid is from a nonresident business, the contract shall be awarded to the resident manufacturer whose bid is nearest to the bid price of the otherwise low nonresident business bidder if the bid price of the resident manufacturer is made lower than the bid price of the nonresident business when multiplied by a factor of .95.

When bids are received from resident manufacturers, resident businesses and nonresident businesses and the lowest responsible bid is from a resident business, the contract shall be awarded to the resident manufacturer whose bid is nearest to the bid price of the otherwise low resident business bidder if the bid price of the resident manufacturer is made lower than the bid price of the resident business when multiplied by a factor of .95.

When bids are received from resident manufacturers, resident businesses and nonresident businesses and the lowest responsible bid is from a nonresident business, the contract shall be awarded to the resident manufacturer whose bid is nearest to the bid price of the otherwise low nonresident business bidder if the bid price of the resident manufacturer is evaluated as lower than the bid price of the nonresident business when multiplied by a factor of .95. If there is no resident manufacturer eligible for award under this provision, then the contract shall be awarded to the resident business whose bid is nearest to the bid price of the otherwise low nonresident business bidder if the bid price of the resident business is made lower than the bid price of the nonresident business when multiplied by a factor of .95. When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for virgin content goods, the contract shall be awarded to:

(1) a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .90 is made lower than the otherwise low virgin content goods bid price;

(2) a resident business offering a bid on recycled content goods of equal quality if:

(a) the bid price of no resident manufacturer following application of the preference allowed in Paragraph (1) of this subsection can be made sufficiently low; and

(b) the lowest bid price of the resident business when multiplied by a factor of .90 is made lower than the otherwise low virgin content goods bid price; or

(3) a nonresident business or nonresident manufacturer offering recycled content goods of equal quality if:

(a) the bid price of no resident business or resident manufacturer following application of the preference allowed in Paragraph (1) or (2) of this subsection can be made sufficiently low; and

(b) the lowest bid price of a nonresident offering recycled content goods when multiplied by a factor of .95 is made lower than the otherwise low virgin content bid price.

I. When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for recycled content goods offered by a nonresident business or nonresident manufacturer, the contract shall be awarded to:

(1) a resident manufacturer offering the lowest bid on recycled content goods of equal quality if

the bid price of the resident manufacturer when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price; or

(2) a resident business offering a bid on recycled content goods of equal quality if:

(a) the bid price of no resident manufacturer following application of the preference allowed in Paragraph (1) of this subsection can be made sufficiently low; and

(b) the lowest bid price of the resident business when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price offered by a nonresident business or manufacturer.

When bids are received for both recycled content goods and virgin content goods and the lowest responsible bid is for recycled content goods offered by a resident business, the contract shall be awarded to a resident manufacturer offering the lowest bid on recycled content goods of equal quality if the bid price of the resident manufacturer when multiplied by a factor of .95 is made lower than the otherwise low recycled content goods bid price.

This section shall not apply when the expenditure of federal funds designated for a specific purchase is involved or for any bid price greater than \$5,000,000.00.

The provisions of this section shall not apply to the purchase of buses from a resident manufacturer or a New Mexico resident business that manufactures buses in New Mexico.

"Resident business" means a New Mexico resident business or a New York State business enterprise.

"New Mexico resident business" means a business that is authorized to do and is doing business under the laws of the State of New Mexico that (1) maintains its principal place of business in the State of New Mexico; (2) has staffed an office and has paid applicable state taxes for two years prior to awarding of the bid; and (3) is an affiliate of a business that meets the requirements of (1) and (2). "Affiliate" means an entity that directly or indirectly through one or more intermediate controls, is controlled by or is under common control with the qualifying business through ownership of voting securities representing a majority of the total voting power of the entity.

"New York State business enterprise" means a business enterprise, including a sole proprietorship, partnership or corporation, that offers for sale or lease or other form of exchange, goods or commodities that are substantially manufactured, produced or assembled in New York state, or services, other than construction services, that are substantially performed within New York state.

New Mexico Statutes Annotated, § 13-1-189 – Preference to purchase personal property and services from New Mexico correction industries if the bid price is not higher than comparable items of tangible personal property or services.

New Mexico Statutes Annotated, § 13-4-1 - Whenever practicable award is to be made to a resident contractor for public works contracts or for the repair, reconstruction, including highway reconstruction, demolition or alteration thereof.

New Mexico Statutes Annotated, § 13-4-2 - When bids are received for public works contracts from nonresident contractors and resident contractors and the lowest responsible bid is from a nonresident contractor, the contract shall be awarded to the resident contractor whose bid is nearest to the bid price of the otherwise low nonresident contractor if the bid price of the resident contractor is made lower than the bid price of the nonresident contractor when multiplied by a factor of .95.

New Mexico Statutes Annotated, § 13-4-5 - Preference to be given to materials produced, grown, processed or manufactured in New Mexico by citizens or residents of New Mexico or provided or offered by a New York State business enterprise in contracting for materials to be used in the construction or maintenance of public works.

New Mexico Statutes Annotated, § 13-4-7 – Preference to use New Mexico timber in the construction or repair work of public buildings.

New Mexico Statutes Annotated, § 63-9F-6 - Preference of 5% added to the total weight awarded to any business that qualifies as a resident business for a telecommunications relay system that will enable impaired individuals to communicate with unimpaired individuals.

NEW YORK:

Consolidated Law of New York, State Finance Law, Article IX, § 139-g – State agencies that have let two million dollars in service and construction contracts in a prior fiscal year are to give priority to purchases from small businesses and certified women and minority owned. Small business means a business which is resident in the State of New York, independently owned and operated, not dominant in its field and employs one hundred or less persons (See State Finance Law, Article IX, §135-a).

Consolidated Law of New York, State Finance Law, Article XI, § 162 – Preferred source status is accorded to the following entities:

Commodities produced by the Department of Correctional Services' Correctional Industries Program (CORCRAFT).

Commodities and services produced by any qualified, charitable, non-profit making agency for the blind approved by the Commissioner of the Office of Temporary and Disability Assistance.

Commodities and services produced by any qualified charitable non-profit making agency for other severely disabled persons.

Commodities and services produced by any special employment program serving mentally ill persons, operated by facilities within the Office of Mental Health and approved by the Commissioner of Mental Health.

Commodities and services produced by a qualified veterans' workshop providing job and employment skill training to veterans, operated by the United States Department of Veterans Affairs, that manufactures products or performs services within the State and is approved by the Commissioner of Education.

Commodities and services produced by any qualified charitable non-profit making workshop for veterans approved for such purposes.

Products of qualified apparel manufacturer and contractor on the special September eleventh bidder's registry. (note: Chapter 350 of the Laws of N.Y. defines requirements for listing on this registry.)

Consolidated Law of New York, State Finance Law, Article XI, [§ 165](#) –

Preference of 10 % for recycled products (a product manufactured from secondary materials). Preference of 15 % for products in which 50% of the secondary materials utilized in the manufacture of the product are generated from the waste stream in New York State. "Secondary materials" means any material recovered from or otherwise destined for the waste stream, including, but not limited to post-consumer material, industrial scrap material and overstock or obsolete inventories from distributors, wholesalers and other companies. It does not include by-products generated from and commonly reused within an original manufacturing

process.

New York State labeled wines are provided with favored source status for the purposes of procurement. Procurement of New York State labeled wines is exempt from the competitive procurement statutes. "New York State labeled wine" means wine made from grapes, at least 75% the volume of which were grown in New York State.

Preference in the letting of contracts for food products grown, produced or harvested in the State of New York on behalf of facilities and institutions of the State of New York, who are authorized to purchase products locally. The Commissioner of General Services assisted by the Commissioner of Agriculture and Markets determine the percentage of each food product or class that must meet the requirements.

Office of General Services may deny to non-resident vendors placement on bidders mailing lists and award of contracts for products and services that they would otherwise obtain if their principal place of business is located in a state that penalizes New York state vendors, and if the goods or services offered will be substantially produced or performed outside New York State.

New York State business enterprise, includes 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 means a business enterprise, including a sole proprietorship, partnership, or corporation that has its principal place of business in New York State.

New York, Appendix A, Standard Contract Clause 21. Reciprocity and Sanctions Provisions. 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:

General Statutes of North Carolina, §111-41. Preference to N.C. blind persons in operation of vending facilities on state property.

General Statutes of North Carolina, §111-48. Preference to N. C. blind persons in operation of highway vending facilities.

General Statutes of North Carolina, [§ 143-59](#)

Preference in tie bids for foods, supplies, materials, equipment, printing or services manufactured or produced in North Carolina or furnished by or through citizens of North Carolina.

Reciprocal Preference: on all contracts for equipment, materials, supplies, and services valued over \$25,000, a percentage of increase shall be added to a bid of a nonresident bidder that is equal to the percentage of increase, if any, that the state in which the bidder is a resident adds to bids from bidders who do not reside in that state.

General Statutes of North Carolina, [§ 148-70](#) - Preference for purchasing articles, products and commodities which are manufactured or produced by North Carolina's Department of Corrections prison system.

NORTH DAKOTA:

North Dakota Century Code, § 25-16.2 Preference given to non-profit, N.D. work centers for the chronically mentally ill for purchase of highway grade stakes.

North Dakota Century Code, § 43-07-20. - Except for contracts which involve federal-aid funds and when a preference or discrimination would be contrary to a federal law or regulation, contracts for construction, repair, or maintenance work shall provide that the contractor give preference to the employment of bona fide North Dakota residents, as determined by section 54-01-26, with preference given first to honorably discharged disabled veterans and veterans of the armed forces of the United States, as defined in section 37-19.1-01, who are deemed to

be qualified in the performance of that work. The preference shall not apply to engineering, superintendence, management, or office or clerical work.

North Dakota Century Code, § 44-08-01 - Reciprocal preference awarded in favor of North Dakota business for the purchase of any goods, merchandise, supplies, equipment, and contracting to build or repair any building, structure, road, or other real property.

North Dakota Century Code, § 44-08-02. Resident North Dakota bidder, seller, and contractor defined. The term "a resident North Dakota bidder, seller, or contractor" when used in section 44-08-01, is one who has maintained a bona fide place of business within this state for at least one year prior to the date on which a contract was awarded.

North Dakota Century Code, § 46-02-15 - Preference when practicable for all public printing, binding and blank book manufacturing, blanks, and other printed stationery, to be done in North Dakota.

North Dakota Century Code, § 48-02-10 Preference in tie bids to purchase materials manufactured or produced within North Dakota, and second, to purchase such as have been manufactured or produced in part in North Dakota for making alterations, repairs, additions, or erecting new public buildings.

North Dakota Century Code, § 48-02-10.2 - Preference in tie bids for furnishing materials, products and supplies which are found, produced, or manufactured within North Dakota from native natural resources.

North Dakota Administrative Code §89-07-02-26 Preference given to North Dakota bidders for weather modification operations contracts.

North Dakota Administrative Code §4-12-11-02 Reciprocal preference for North Dakota vendors equal to the preference given or required by the state of the nonresident bidder.

OHIO:

Ohio Revised Code Annotated, Title 1, § 125.09 - Preference for United States and Ohio

products. Vendors from border states who do not impose greater restrictions on Ohio bidders are treated as Ohio bidders. Also, bidders with a significant Ohio economic presence shall qualify for award of a contract on the same basis as if their products were produced in the State of Ohio.

Ohio Revised Code Annotated, [Title 1, § 125.11](#) - Department of Administrative Services, prior to awarding a contract, will first remove from bids goods or supplies that are not produced or mined in the United States. From among the remaining bids, preference to be given to bidders with goods or supplies produced or mined in Ohio.

Ohio Revised Code Annotated, [Title 1, § 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.

Ohio Revised Code Annotated, [Title 1, § 153.012](#) - Reciprocal preference in favor of contractors who have their principal place of business in Ohio, for construction, public improvement, including highway improvement, contracts.

Ohio Administrative Code, [Chapter § 123:5-1, Chapter § 123:5-1-06](#) – 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. Ohio bid" means a bid received from a bidder offering Ohio products or a bidder demonstrating significant Ohio economic presence.

[\(§123:5-1-01 Definitions\)](#)

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. "Border state" means any state that is contiguous to Ohio and that does not impose a restriction greater than Ohio imposes pursuant to section 125.09 of the Revised Code.

[\(§123:5-1-01 Definitions\)](#)

OKLAHOMA:

Oklahoma Statutes, Title 19, Chapter 17, § 788(c)

Tie breaking preference given to materials produced in Oklahoma and construction contractors domiciled in, having and maintaining offices in, and being citizen taxpayers of, the State of Oklahoma.

Oklahoma Statutes, [Title 61, § 6](#) – preference is given to materials mined, quarried, manufactured or procured within the State of Oklahoma, provided that the same can be procured at no greater expense than like material or materials of equal quality from outside of the state.

Oklahoma Statutes, [Title 61, § 9](#) All contracts that expend state funds for construction or repair of state institutions shall require employment of Oklahoma labor and the use of Oklahoma materials if available.

Oklahoma Statutes, [Title 61, § 10](#) All contracts that expend state funds for construction shall give a tie breaking preference to bidders who employ Oklahoma labor and the use Oklahoma materials.

Oklahoma Statutes, [Title 61, § 14](#) A contractor domiciled outside the boundaries of Oklahoma shall be required, in order to be successful, to submit a bid the same percent less than the lowest bid submitted by a responsible contractor domiciled in Oklahoma as would be required for such an Oklahoma domiciled contractor to succeed over the bidding contractor domiciled outside Oklahoma on a like contract being let in his domiciliary state.

Oklahoma Statutes, [Title 74, § 85.17a](#) – State agencies to apply reciprocal preference against the bidding preference of other states or nations that is applied in favor of bidders domiciled in their jurisdictions for acquisitions.

Oklahoma Statutes, [Title 74, § 85.45c](#) - A bid is awarded to minority business enterprises if the bid is lower 5% added to the otherwise lowest responsive bid, if the amount of funds expended on state contracts awarded to minority business enterprises is less than the 10% goal of funds expended on state contracts awarded to minority businesses.

Note: This statute was held unconstitutional by [Kornhaas Const., Inc. v. Oklahoma Dept. of Central Services, 140 F.Supp.2d 1232](#)

Oklahoma Statutes [Title 7, Chapter 4 § 73](#) – Preference and free Space to blind operators

licensed and established by the Oklahoma State Department of Rehabilitation Services, for the operation of vending facilities in state and county buildings.

OREGON:

Oregon Revised Statutes, Title 26, §279A.120 Preference for goods or services manufactured or produced in the Oregon if price, fitness, availability and quality are otherwise equal. Reciprocal preference in favor of Oregon businesses for public contracts. Add a percent increase to the bid of a nonresident bidder equal to the percent, if any, of the preference given to the bidder in the state in which the bidder resides. A resident bidder is a bidder who has paid unemployment taxes or income taxes in the State of Oregon for one year immediately preceding submission of the bid.

Oregon Revised Statutes, Title 26, § 282.210 - All printing, binding and stationery work for the state and political subdivisions to be performed in the State of Oregon.

Oregon Revised Statutes, Title 30, § 346.220, – Preference for products of visually impaired in state purchases.

Oregon Administrative Rules, §125-030-0070 Central Purchasing to add a percent increase on the Bid of a Nonresident Bidder equal to the percent, if any, of the preference given to the Bidder in the state in which the Bidder is a resident.

Oregon Administrative Rules §125-085-0000. preference to nonprofit organizations which provide opportunity to persons with disabilities who reside in the State of Oregon to operate recycling programs to recycle products including: White ledger or bond paper; Stationery and letterheads; Plain bond machine copies; Computer printouts; Envelopes; Colored paper; Newspapers; Cardboard; Other acceptable products for collection may include but are not limited to, plastic, glass and metal, as determined for acceptability by the Department's recycling program.

Oregon Administrative Rules §330-120-0010 Department of Energy will give tie-breaking preference to individuals residing in Oregon and businesses which have their home office or headquarters in Oregon in contract for services.

PENNSYLVANIA:

Pennsylvania Code, Title 339, Part II, Chapter 11, Article VIII §11.8-815A Pennsylvania cities and townships shall give (5%) percent local preference for resident businesses or products either manufactured in Allentown or manufactured by entities headquartered in Allentown, but the preference is not to exceed \$2,500 in awarding bids. A Resident Business means one which maintains its principal place of business in the City of Allentown or maintains an office which employs at least five (5) employees in the City of Allentown.

Pennsylvania Consolidated Statutes, [Title 62, Chapter 1 § 103](#)

Supplies means any property, including, but not limited to equipment, materials, printing, insurance and leases of installment purchases of tangible or intangible personal property. The term does not include real property, leases of real property or alcoholic beverages or liquor purchased for resale by the Pennsylvania Liquor Control Board.

Pennsylvania Consolidated Statutes, [Title 62, Chapter 1, § 107](#) – Reciprocal preference is applied against a nonresident bidder in the purchase, invitation for bids, or request for proposals, for procurement of supplies exceeding \$10,000 to those bidders offering supplies produced, manufactured, mined, grown, or performed in the State of Pennsylvania.

Reciprocal preference is applied against a nonresident bidder in the award of construction contracts, exceeding \$10,000. (See 62 Pa.C.S. §514)

Resident bidder or offeror means a person, partnership, corporation or other business entity authorized to transact business in the State of Pennsylvania and having a bona fide establishment for transacting business in the State of Pennsylvania.

PUERTO RICO:

Laws of Puerto Rico Annotated, [Title 3, Chapter 37, § 914a](#) – Preference for use and purchase of Puerto Rican products. Guarantee of an adequate representation of Puerto Rican products in every purchase made by the Government.

Laws of Puerto Rico Annotated, Title 3, Chapter 37, § 914e Fifteen percent (15%) preference given to merchandise, goods, supplies, materials and nonprofessional services produced, assembled or packed in Puerto Rico or distributed by agents established in Puerto Rico shall be acquired, provided they comply with the specifications, terms and conditions.

Laws of Puerto Rico Annotated, [Title 12, Chapter 127A, § 1320j-1](#) - When acquiring products with recycled or non-recycled contents to be used by the Commonwealth of Puerto Rico, each agency must purchase products containing recycled materials with preference to products recycled in Puerto Rico when the price is reasonably competitive and the quality is adequate for the projected use. For purposes of this section, "reasonably competitive" means a comparable product containing recycled material, with a price increase not greater than 15%. This increase in cost, or price preference, shall expire 10 years after the effective date of this act.

Laws of Puerto Rico Annotated, Title 12, Chapter 128C, §1335I . Government agencies or instrumentalities shall require the purchase of lubricating oil that contains the highest percentage of oil recycled or refined preferably in Puerto Rico unless said it increases cost by more than 10% or does not meet standards recommended by the manufacturer of the equipment that shall use the oil.

RHODE ISLAND:

General Laws of Rhode Island, [§ 37-2.2-3](#) - Preference for the state to purchase articles made or manufactured and services provided by persons with disabilities in nonprofit rehabilitation facilities, or in profit making facilities where 60% of the employees are disabled.

General Laws of Rhode Island, [§ 37-2-8](#) – Preference for Rhode Island state institutions are to purchase foodstuffs of good quality grown or produced in Rhode Island by Rhode Island farmers, at the prevailing market price, when they are available.

General Laws of Rhode Island, [§ 37-2-59.1](#) - Preference in tie bids for professional contracts entirely supported by state funds to be awarded to architectural, engineering, and consulting firms with their place of business located in Rhode Island. Second preference in tie bids awarded to architectural, engineering, and consulting firms who propose a joint venture with a Rhode Island firm.

SOUTH CAROLINA:

Code Of Laws Of South Carolina Annotated, [Title 11, Article 5, § 11-35-1520](#) In competitive sealed bidding involving contracts of \$25,000 or more, preference is awarded in tie bids to a South Carolina firm that is tied with an out-of-state firm. Preference is also awarded to the bidder with products produced or manufactured in South Carolina who is tied with a bidder having items produced or manufactured out-of-state.

Code Of Laws Of South Carolina Annotated, [Title 11, Article 5, § 11-35-1524](#) Preference of 7% provided to residents of South Carolina or whose products are made, manufactured, or grown in South Carolina. An additional 3% preference is awarded to a bidder who is both a resident of South Carolina and whose products are made, manufactured, or grown in South Carolina.

Code Of Laws Of South Carolina Annotated, [Title 12, Article 29, § 12-28-2930](#) Set-asides of 5% of the total state source highway funds are to be expended through direct contracts for \$250,000 or less to small business concerns owned and controlled by socially and economically disadvantaged ethnic minorities, and to firms owned and controlled by disadvantaged females.

Preference of 2.5% in contracts awarded pursuant to this section is given to South Carolina contractors in tie bids for highway, bridge, and building construction and building renovation contracts.

Code Of Laws Of South Carolina Annotated, [Title 24, Article 3, §24-3-330](#) – Preference for all offices, departments, institutions and agencies of South Carolina to purchase articles or products made or produced by convict labor in the State of South Carolina.

Code of Laws of South Caroline Annotated Title 43, Chapter 26, §43-26-40 For operators of vending facilities in state buildings, preference given to "blind persons" who are eighteen years of age or older are residents of this South Carolina.

SOUTH DAKOTA:

South Dakota Codified Laws Annotated, [§§ 5-19-1 and 5-19-2](#) - Preference for materials, products and supplies which are found, produced or manufactured within the State of South Dakota. (§5-20-7. Waives preference when products or services unavailable)

South Dakota Codified Laws Annotated, [§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 five percent or less, of any other bidder.

South Dakota Codified Laws Annotated, § 5-19-3 - Reciprocal preference in favor of South Dakota businesses in contracts for public works or improvement, goods, merchandise, supplies, and equipment. Resident bidder is any person who has been a bona fide resident of the State of Dakota for one year or more immediately prior to bidding upon a contract. (S.D. Codified Laws, § 5-19-4).

South Dakota Codified Laws Annotated, § 5-19-5

A successful bidder may not subcontract more than 20% of the work to non-resident subcontractors if resident subcontractors are available at competitive prices.

South Dakota Codified Laws Annotated, § 5-19-6.

Preference for South Dakota laborers, workers, and mechanics on all work mentioned in §5-19-3 when possible. Preference for South Dakota materials and products of equal quality and desirability over materials and products produced outside of the state.

South Dakota Codified Laws Annotated, § 5-20-2 – Preference for the officials, boards and commissions and political subdivisions of the State of South Dakota to purchase goods and services, or custodial and maintenance services from qualified agencies. A "Qualified agency," is any public or private nonprofit corporation geographically located in the State of South Dakota that provides services to the handicapped and is certified to provide a regular program or work activity center by the Department of Human Services.

South Dakota Codified Laws Annotated, § 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.

South Dakota Codified Laws Annotated, § 5-23-12.2

Tie breaking preference given to South Dakota businesses or manufacturers over non resident bidders.

South Dakota Codified Laws Annotated, § 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 Dakota

and to goods manufactured in South Dakota.

South Dakota Codified Laws Annotated, § 5-23-21.2 – Reciprocal preference in favor of a resident bidder against a bidder from any state which enforces a preference for resident bidders is applied in state purchasing and printing contracts.

South Dakota Codified Laws Annotated, §41-20-10. Preference to native trees and tree seeds from South Dakota dealers.

South Dakota Codified Laws Annotated, §1-16B-42. When considering two or more applications for a loan for development projects which have been identified as creating equal amounts of employment and income, preference shall be given to projects processing raw materials produced in South Dakota.

TENNESSEE:

Tennessee Code Annotated, § 12-3-809 - Preference in tie bids for departments, agencies and institutions of the State of Tennessee to purchase meat, meat food products or meat by-products from in-state meat producers.

Tennessee Code Annotated, § 12-3-810 – Preference for public education institutions to purchase meat, meat food products or meat products from producers located within the State of Tennessee.

Tennessee Code Annotated, § 12-3-811 – All state agencies, departments, boards, commissions, institutions, institutions of higher education, schools and all other state entities to award a preference in tie bids to in-state coal mining companies.

Tennessee Code Annotated, § 12-3-812 - All state agencies, departments, boards, commissions, institutions, institutions of higher education, schools and all other state entities to award a preference in tie bids to in-state natural gas producers.

Tennessee Code Annotated, §12-4-121 - Preference to goods, including agricultural products, produced or grown in Tennessee or offered by Tennessee bidders if the cost to the state and quality are equal. For Agricultural products not grown in Tennessee, agricultural products offered by Tennessee bidders shall be given preference, if cost to the state and quality are equal.

Tennessee Code Annotated, § 12-4-802 - Reciprocal preference allowed to residents of Tennessee, and residents of another state that do not have a preference in public construction contracts against another state that is contiguous to Tennessee and allows a preference to a resident contractor of that state.

Tennessee Code Annotated, § 71-4-703 – and §71-4-204 Preference to purchase all services or commodities that are available and certified by the Board of Standards from qualified nonprofit work centers for the blind or agencies serving individuals with severe disabilities.

Tennessee Administrative Rules- Purchasing of Materials, Supplies and Equipment, Chapter 0690—3—1—.08 Tie break preference given to in-state bidders.

TEXAS:

Texas Codes Annotated, Government Code, Title 2, §44.042. A school district shall give preference to those agricultural produced, processed, or grown in Texas if the cost and quality is equal. Similar preference given to Texas plants, and vegetation used for landscaping purposes.

"Agricultural products" include textiles and other similar products.

"Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form.

Texas Codes Annotated, Government Code, Title 4, §466.106 – Preference in tie bids for lottery equipment or supplies produced in the State of Texas or services or advertising offered by a bidder from the State of Texas. If bidders from the State of Texas are not equal in cost

and quality, then lottery equipment or supplies produced in another state or services or advertising offered by a bidder from another state shall be given preference over foreign equipment, supplies, services, or advertising.

Texas Codes Annotated, Government Code, [Title 4, §497.024](#) – Preference for state agencies to purchase Texas prison-made articles or products.

Texas Codes Annotated, Government Code, [Title 10, §2155.441](#) – Preference for products from workshops, organizations, or corporations whose primary purpose is training and employing individuals having mental retardation or a physical disability if they meet state specifications.

Texas Codes Annotated, Government Code, [Title 10, § 2155.443](#) Preference to bidders of rubberized asphalt paving made from scrap tires by a facility located in the State of Texas if the cost as determined by a life-cycle cost benefit analysis does not exceed by more than 15 % the bid cost of alternative paving materials.

Texas Codes Annotated, Government Code, [Title 10, § 2155.444](#) First preference is given in tie bids for goods and agricultural products produced or grown in Texas. Second tie bid preference given to agriculture products offered by Texas bidders that are of equal cost and quality to products from other states of the United States. Next preference is given in tie bids for goods and agricultural products from other states of the United States over foreign goods and agricultural products that are of equal cost and quality. Preference is also given to Texas vegetation native to the region in purchases for vegetation for landscaping purposes, including plants. In the procurement of services, all state agencies shall give preference to a Texas bidder if the services meet state requirements on performance and quality and the cost does not exceed that of similar cost and services that are not offered by a Texas bidder.

Texas Codes Annotated, Government Code, [Title 10, § 2155.4441](#)

A state agency that contracts for services shall require the contractor, in performing the contract, to purchase products and materials produced in this state when they are available at a price and time comparable to products and materials produced outside this state.

Texas Codes Annotated, Government Code Annotated, [Title 10, § 2155.449](#) - Preference in tie bids for products and services from an economically depressed or blighted area of Texas. The cost of the good or service cannot exceed the cost of other similar products or services that are not produced in an economically depressed or blighted area.

"Economically depressed or blighted area" is either an area that is defined by the Texas Government Code, §2306.004 as defined below, or meets the definition a historically underutilized business zone as defined by 15 U.S.C. §632(p) also defined below.

Texas Government Code, §2306.001 and 002 indicates that this section applies to blighted and depressed areas of Texas.

"Economically depressed or blighted area" means an area:

(A) that is a qualified census tract as defined by Section 143(j), Internal Revenue Code of 1986 (26 U.S.C. Section 143(j)) or has been determined by the housing finance division to be an area of chronic economic distress under Section 143, Internal Revenue Code of 1986 (26 U.S.C. Section 143);

(B) established in a municipality that has a substantial number of substandard, slum, deteriorated, or deteriorating structures and that suffers from a high relative rate of unemployment; or

(C) that has been designated as a reinvestment zone under Chapter 311, Tax Code. (Texas Government Code, §2306.004)

Historically underutilized business zone. The term "historically underutilized business zone" means any area located within 1 or more—

(A) qualified census tracts;

- (B) qualified nonmetropolitan counties;
- (C) lands within the external boundaries of an Indian reservation; or
- (D) redesignated areas. (15 U.S.C. 632(p))

Texas Codes Annotated, Government Code Annotated, [Title 10, § 2171.052](#) - Preference given to resident entities of the State of Texas for contracts with travel agents.

Texas Codes Annotated, Government Code Annotated, [Title 10, § 2252.002](#) Reciprocal preference in favor of Texas businesses for all governmental contracts.

Texas Codes Annotated, Government Code, Chapter 2254.027

Preference given to Consultants with principle place of business in Texas if all else is equal.

Title 1, Texas Administrative Code, [Chapter 113, §113.8](#) – Tie bid preferences for Texas resident bidders and for bidders offering supplies, materials or equipment or agricultural products produced in Texas. A reciprocal preference is given to out of state bidders equal to the requirements given to Texas bidders or products in that state.

Texas Administrative Code , [Title 16, Chapter 401, §401.101](#) The Lottery Commission shall give preference to a Texas resident bidder or proposer and to the purchase or lease of goods produced in Texas if the cost to the state and quality being equal. Second preference given to goods or services produced in other states over foreign produced goods or services, cost and quality being equal.

Title 1, Texas Administrative Code, Chapter 303, §303.7 The Texas National Research Laboratory Commission procurements shall give the tie-bid preferences required in 1TAC §113.8 above.

Title 3, Texas Codes Annotated, Higher Education, Chapter 51, §51.941 - Institutions of higher education are to give preference to agricultural products grown, produced or processed in Texas if the cost to the institution and the quality of the products are equal to the cost and quality of other available products. Institutions of higher education are defined in §61.003.

Texas Statutes Annotated, Government Code Title 10, §2155.138. Competitive bidding doe

Texas Codes Annotated, Government Code, Chapter 2165, §2165.214--Preference in leasing space for a vending facility is given to an existing lessee if the lease has lasted over 10 years; if Chapter 94 is not applicable; and if there is a history of quality and reliable service under the existing lease.

Texas Codes Annotated, Transportation Code, §223.047 – Preference to bidders of rubberized asphalt paving made from scrap tires by a facility located in the State of Texas if the cost as determined by a life-cycle cost benefit analysis does not exceed by more than 15 % the bid cost of alternative paving materials.

“Rubberized asphalt” means an asphalt material containing at least 15 % by weight of a reacted whole scrap tire.

“Scrap tire” means a tire that can no longer be used for its original intended purpose.

UTAH:

Utah Code Annotated, §19-3-313. Reciprocal restrictions on the import of waste. Waste may not be transported into and transferred, stored, decayed in storage, treated, or disposed of in the state if the state of origin of the waste or the state in which the waste was generated prohibits or limits similar actions within its own boundaries.

Utah Code Annotated, § 55-5-3. - Preference to blind persons who have resided for at least one year in the state of Utah for a license to operate a vending stand or other enterprise.

Utah Code Annotated, § 63-56-20.5 - Reciprocal preference in favor of Utah businesses for goods, supplies, equipment, materials and printing.

Utah Code Annotated, § 63-56-20.6 - Reciprocal preference in favor of Utah contractors for construction contracts.

Utah Code Annotated, § 63-56-35.6 – Preference for state departments, agencies and institutions to procure goods and services produced by Utah Correctional Industries Division.

Utah Code Annotated, § 63-56-35.8 - Preference for procurements of products made in a sheltered workshop in Utah, if products meet needs and specifications, can be supplied within a reasonable amount of time, and price is within 5% of the lowest otherwise responsible bid. "Sheltered workshop" means a nonprofit organization operated in the interest of severely disabled individuals where at least 75% of the employees are severely disabled or is certified by the United States Department of Labor.

Utah Administrative Rules Rule 33-3-113 - Tie Bid preference given to a Utah resident bidder or to a Utah produced product.

Utah Administrative Rule 33-3-119 - Preference without competitive bidding, to Governmental Produced Supplies or Services produced or performed incident to programs such as industries of correctional or other governmental institutions where available at a fair and reasonable price.

VERMONT:

Vermont Statutes Annotated, Title 6, Chapter 207, §4601 - Tie break preference for agricultural products grown or produced in Vermont when available and when they meet quality standards established by the secretary of agriculture.

Vermont Statutes Annotated, Title 29, Part 2, Chapter 55, §§1401 and 1402 When purchasing fire and casualty insurance coverage for the benefit of the State of Vermont, preference is applied to Vermont-domiciled companies and independent agents licensed in and resident of Vermont when consistent as to coverage, service and the best interest of the State of Vermont.

Vermont Statutes Annotated, Title 29, Part 1, Chapter 5, § 160b - The division for the blind

and visually impaired is encouraged to sell milk and milk products, with a preference for the sale of Vermont-produced milk whenever feasible, in vending machines at rest areas and information centers in this state according to policies and rules established by the commissioner of buildings and general services.

VIRGINIA:

Code of Virginia Annotated, §51.5-84 Preference given blind persons who are residents of Virginia for licenses to operate vending facilities.

Code of Virginia Annotated, §2.2-4344 Non-competitive preference given to goods or services that are produced or performed by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired; or nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services serving the handicapped.

Code of Virginia Annotated, § 2.2-4324 - In the case of a tie bid, preference shall be given to goods produced in Virginia, goods or services or construction provided by Virginia persons, firms or corporations; otherwise the tie shall be decided by lot.

Whenever any bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference may be allowed to the lowest responsible bidder who is a resident of Virginia.

Code of Virginia Annotated, § 2.2-4325 - In determining the award of any contract for coal to be purchased for use in state facilities with state funds, the Department of General Services shall procure using competitive sealed bidding and shall award to the lowest responsive and responsible bidder offering coal mined in Virginia so long as its bid price is not more than 4% greater than the bid price of the low responsive and responsible bidder offering coal mined elsewhere

Code of Virginia Annotated, § 2.2-4328 - The governing body of a county, city or town may, in the case of a tie bid, give preference to goods, services and construction produced in the locality or provided by persons, firms or corporations having principal places of business in the locality, if such a choice is available; otherwise the tie shall be decided by lot, unless [§ 2.2-4324](#) applies.

Code of Virginia Annotated, § 2.2-1117 - Purchases from the Department for the blind and vision impaired. Unless exempted by the Division, all services, articles and commodities that are (i) required for purchase by the Division or by any person authorized to make purchases on behalf of the Commonwealth and its departments, agencies and institutions; (ii) performed or produced by persons, or in schools or workshops, under the supervision of the Virginia Department for the Blind and Vision Impaired; (iii) available for sale by such Department; and (iv) conform to the standards established by the Division shall be purchased

from such Department at the fair market price without competitive procurement.

Code of Virginia Annotated, § 2.2-1118 - Preference for items or service which may be obtained from sheltered workshop under the supervision of the Virginia Department for the Blind and Vision Impaired or by inmates confined in state correctional institutions. Items or service included on the list may be purchased without competitive procurement, if the items and services (i) can be purchased within 10% of their fair market value, (ii) will be of acceptable quality, and (iii) can be produced in sufficient quantities within the time required.

Code of Virginia Annotated, §53.1-47 and §53.1-133.8 Preference for Articles and services produced or manufactured by persons confined in state correctional facilities or by the jail industry programs.

Virginia Administrative Code, 11 VAC 5-20-430. Tie bid preference to proposals, goods, services and construction produced in Virginia or provided by Virginia persons, firms or corporations.

Virginia Administrative Code, 3VAC5-70-160 - No more than 25% of the fruits, fruit juices or other agricultural products used by the farm winery licensee shall be grown or produced outside of Virginia, except upon permission of the board. This 25% limitation applies to the total production of the farm winery. (A farm winery license limits retail sales to the premises of the winery and to two additional retail establishments.)

VIRGIN ISLANDS:

Virgin Island Code, Title 31, Chapter 23, §236a. Preference for construction services, supplies, materials, equipment, and contractual or consulting services from suppliers in the Virgin Islands where the total cost is not more than fifteen percent (15%) higher than non Virgin Island suppliers and the quality and availability are substantially equivalent.

Virgin Island supplier is (1) a person who has been a bona fide continuous resident of the United States Virgin Islands for at least 8 years or was born in the United States Virgin Islands; or (2) a firm, partnership or corporation in which at least fifty-one (51%) percent of the legal or equitable ownership is held by a person or persons who have been bona fide continuous residents of the United States Virgin Islands for at least 8 years or who were born in the United States Virgin Islands and (3) who is licensed in and maintains his or its principal place of business in the United States Virgin Islands and who owns, operates, or maintains a store, warehouse, or other place of business in the United States Virgin Islands or is the duly authorized agent, dealer, distributor or representative in the United States Virgin Islands for the materials, supplies, articles, or equipment or contractual or consulting services of the general character described by the specifications and required under a contract. In addition, a preferred bidder with respect to locally available agricultural products or bottled water shall utilize only locally produced agricultural products and bottled water in meeting the requirements of the bid.

WASHINGTON:

Revised Code of Washington, §15.36.131 Sale of out-of-state grade A milk and milk

products. Grade A milk and milk products from outside the state may not be sold in the state of Washington unless produced and/or pasteurized under provisions equivalent to the requirements of the state of Washington.

Revised Code of Washington, §39.23.020 Municipalities may give non-competitive preference for products and services manufactured or provided by sheltered workshops and programs of the Washington department of social and health services as long as the offer is at fair market price.

Revised Code of Washington, § 43.19.520 - Preference to purchase products and services from community rehabilitation programs of the department of social and health services for the disabled and disadvantaged or from certain businesses owned and operated by persons with disabilities.

Revised Code of Washington, § 43.19.530 - Non-competitive preference products and/or services manufactured or provided by community rehabilitation programs of the Washington department of social and health services; and (Until December 31, 2007) businesses owned and operated by persons with disabilities as long as it does not exceed fair market price.

Revised Code of Washington, § 43.19.534 - A preference is given to goods that are produced or provided in whole or in part from work programs operated by the Washington department of corrections unless (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector. **The criteria contained in (1), (2), and (3) do not apply to goods and services obtained from outside the state.**

Revised Code of Washington, § 43.19.535 - Preference to bidder providing goods or services to a state agency if goods or services are provided in whole or in part by an inmate work program of the department of corrections; and an amount at least 15% of the total bid amount will be paid by the bidder to inmates as wages.

Revised Code of Washington, §43.78.130 - All printing, binding, and stationery work done for any state agency, county, city, town, port district, or school district in this state shall be done within Washington as long as it is available in state and the charge is no higher than customarily charged to private customers.

Revised Code of Washington, § 72.60.160 - Preference by any state agency or political

subdivision of the state given to all articles, materials, and supplies authorized to be produced or manufactured in correctional institutions.

Revised Code of Washington, [§ 43.19.700](#) and [§ 43.19.704](#) – Reciprocal preference in favor of Washington businesses against bidders from states giving in-state preference.

Revised Code of Washington, [§ 43.19.706](#) - Purchase of Washington agricultural products.

The state purchasing and material control director shall encourage each state and local agency doing business with the department to purchase Washington fruit, vegetables, and agricultural products when available.

Revised Code of Washington, [§ 43.19.1911\(7\)](#) - In determining the lowest responsible bidder, the agency shall consider any preferences provided by law to Washington products and vendors and to RCW [43.19.704](#) providing reciprocal preferences.

Washington Administrative Code, Chapter 43 [§ 43.78.130](#) - Preference will be given to Native American artists in projects involving their culture.

Washington Administrative Code, Chapter 67, [§ 67-35-010](#) - blind persons participating in the Washington State vending facility program are given preference in the operation of vending facilities on federal, state, county, municipal, and other local governmental property.

Washington Administrative Code, Chapter 137 [§ 137-80-040](#) - any state agency, political subdivision of the state will give preference to those articles, materials, and supplies produced or manufactured by Washington correctional institutional industries.

Washington Administrative Code, [Chapter 236, § 236-48-085](#) - Reciprocal preference – In procuring goods and services, an appropriate percentage penalty will be added to an out-of-state bid by the Office of State Procurement, if the bidder's state has in-state preference clauses. States with only reciprocity will not be included.

Washington Administrative Code, Chapter 236, [§ 236-49-055](#) - Preference for correctional industries Class II products. State Correctional industries and the department of general administration will create a list of goods and services available from the corrections industries and create a mandatory contract giving preference to those items and services.

Washington Administrative Code, [Chapter 236, § 236-48-096](#) - Preference to goods from Washington Class II correctional industries.

WEST VIRGINIA:

West Virginia Code Annotated, § 5A-3-37 A preference is given to resident bidders for construction contracts over \$50,000 whose employees are at least 75 % West Virginia residents for two years or, nonresident vendors who employ at least 100 residents and have at least 75 % resident employees who have lived in West Virginia continuously for at least two years, as long as their bid does not exceed the lowest qualified bid by 2 ½ %.

A "resident bidder" means an individual who has resided in West Virginia continuously for four years, or a partnership, association, corporation resident vendor, or a corporate nonresident vendor that has an affiliate or subsidiary that employs a minimum of 100 state residents and which has maintained its headquarters or principal place of business within West Virginia. An otherwise qualified partnership without four years residence will qualify if 80% of the partners qualify as residents.

West Virginia Code Annotated, § 5A-3-37a - Reciprocal preference in the purchase of commodities or printing except where the provisions of § 5A-3-37 may apply.

West Virginia Code Annotated, § 18B-5-4. (9)(c) - Preference for resident bidders in the purchase or acquisition of materials, supplies, equipment and printing by institutions of higher education.

West Virginia, Code of State Rules, Title 10, Series 12C, §110-12C-2.14.1-4

"Resident vendor" means a vendor who is registered in accordance with article 12, chapter 11 of the Code to transact business within the State of West Virginia. Maintains its headquarters or principal place of business in the State; Has actually paid, and not just applied to pay, personal property taxes imposed by Chapter 11 of the Code on equipment used in the regular course of supplying services or commodities of the general type offered; Has actually paid, and not just applied to pay, all required business taxes imposed by Chapter 11 of the Code.

**West Virginia, Code of State Rules, Title 10, Series 12C, §110-12C-3 & §110-12C-4
Construction Services, Commodities and Printing:**

A two and one-half percent (2.5%) preference to an individual resident vendor who has resided in West Virginia continuously for four (4) years immediately preceding the bid, or a partnership,

association or corporation resident vendor which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years to the bid. The entity submitting a bid must actually be performing the services required.

A partnership, association or corporation shall be deemed to meet the four (4) year continuous residency requirement if at least eighty percent (80%) of the ownership interest of such resident vendor is held by another individual, partnership, association or corporation resident vendor who otherwise meets the four (4) year continuous residency requirement.

A two and one-half percent (2.5%) preference to a bid from a vendor which certifies that on an average at least sixty percent (60%) of the employees working on the project will have been residents of West Virginia continuously for the two (2) years immediately the bid. Bidders shall be responsible for ensuring subcontractor compliance with the sixty percent (60%) requirement.

A qualified bid may receive a five percent (5%) preference if the vendor submitting that bid meets both requirements of the foregoing subsections

West Virginia Code of State Rules, Title 148, Series 1, §6.4.4 Department of Administration. All purchases of commodities and printing made upon competitive bids, with the exception of construction services, are subject to a resident vendor preference in accordance with the rules promulgated by the Secretary of the Department of Tax and Revenue (above).

All purchases of commodities and printing made upon competitive bid are subject to reciprocity preference equal to the amount of preference applied or granted by another State.

WISCONSIN:

Wisconsin Statutes, § 16.71 State agencies may purchase products of and goods for resale by Wisconsin prison industries, other than printing or stationery, without inviting bids and without accepting the lowest responsible bid.

Wisconsin Statutes, § 16.752 Mandatory preference to commodities produced at an

institution of the state for severely handicapped individuals if the commodity conforms to the specifications on the list, the ordering agency shall purchase the commodity from the institution.

Wisconsin Statutes, § 16.75 Reciprocal preference awarded to Wisconsin producers, distributors, suppliers and retailers, in the purchase of materials, supplies, equipment, and contractual services over non Wisconsin bidders who are from a state that grants a resident preference. Purchases of products or goods from Wisconsin's prison industries, other than printing or stationery, are not subject to the competitive bidding process. The department shall attempt to ensure that 5% of its expenditures are to minority owned businesses as long as the bid is not more than 5% higher than the apparent low bid and shall maximize the use of Wisconsin minority businesses.

Wisconsin Statutes, § 16.855 Reciprocal preference to resident bidders in construction projects where the cost exceeds \$30,000 is applied against bidders from states that impose a resident preference. In awarding construction contracts the department shall attempt to ensure that 5% of the total amount expended in each fiscal year is awarded to contractors and subcontractors which are Wisconsin minority businesses, as defined under [s. 16.75\(3m\)\(a\)](#). The department may award any contract to a minority business that submits a qualified responsible bid that is no more than 5% higher than the apparent low bid.

Wisconsin Statutes, §35.012 Laws and public documents shall be printed in this state except statutes and annotations of the 2nd class, yearbooks and other similar student publications not funded by student fees or student organization income, printing of the 5th and 7th classes and such copyrighted or patented or printing specialties not available for production within this state.

Wisconsin Statutes, § 44.57 - Preference to resident artists for works of art in state buildings.

Wisconsin Administrative Code, Chapter. AB 4 §4.05 – Tie breaking preference to Wisconsin artists when selecting artists to provide original works of visual art for buildings constructed by the state.

Wisconsin Administrative Code, §8.03 (1) The award of a contract for a procurement shall be made to the lowest responsible bidder, taking into account qualified bids from sheltered

workshops, small businesses, and minority businesses.

(4) Tie bids – Wisconsin suppliers are preferred over out-of-state suppliers in tie bids.

WYOMING:

Wyoming Statutes Annotated, [§ 9-2-1016\(b\)\(iv\)\(G\)](#)

Preference given to a private sector bidder over a non-private sector bidder in awarding bids or contracts for supplies or services when competitive sealed bidding is required as long as the private sector bidder's bid is not more than 5% higher than that of the lowest responsible non-private sector bidder.

Wyoming Statutes Annotated, [§ 16-6-102](#) and Wyoming Rules & Regulations, [Chapter 6, § 1](#) - Preference given to a certified resident bidder in public works contracts for the erection, construction, alteration or repair of any public building, or other public structure, or for making any addition thereto, or for any public work or improvement if such bid is not more than 5% higher than that of the lowest responsible non-resident bidder and provided that articles bid are not of inferior quality to those offered by competitors outside the state.

Wyoming Statutes Annotated, [§16-6-104](#) – Preference for resident Wyoming laborers, workmen and mechanics for all work enumerated in [16-6-102](#) above whenever possible. Wyoming materials and products of equal quality and desirability shall have preference over materials or products produced outside the state.

Wyoming Statutes Annotated, [§ 16-6-103](#) A successful resident bidder cannot subcontract more than 20% of the work covered by his contract to nonresident contractors. A resident bidder cannot contract more than 20% of the work covered by his contract to a nonresident contractor.

Wyoming Statutes Annotated, [§ 16-6-105](#) - Preference in public purchases for Wyoming materials, supplies, agricultural products, equipment and machinery manufactured or grown in the State of Wyoming as long as the price is not more than 5% higher than that of the lowest responsible non-resident bidder and provided that articles bid are not of inferior quality to those offered by competitors outside the state.

"Agricultural product" means any horticultural, viticultural, vegetable product, livestock, livestock product, bees or honey, poultry or poultry product, sheep or wool product, timber or timber product.

Wyoming Statutes Annotated, § 16-6-107 All public buildings, courthouses, public school buildings, public monuments and other public structures constructed in this state shall be constructed and maintained by materials produced or manufactured in Wyoming if Wyoming materials are suitable and can be furnished in marketable quantities. Preference shall not be granted for materials of an inferior quality to those offered by competitors outside of the state, but a differential of not to exceed 5% may be allowed in cost of Wyoming materials of equal quality as against materials from states having or enforcing a preference rule against "out-of-state" products.

Wyoming Statutes Annotated, § 16-6-203. Any public works project or improvement for the state or any political subdivision, municipal corporation, or other governmental unit constructing, reconstructing, improving, enlarging, altering or repairing, shall employ only Wyoming laborers. Every contract shall require that Wyoming labor be used unless Wyoming laborers are not available or are not qualified to perform the work.

Wyoming Statutes Annotated, § 16-6-301 and Wyoming Rules & Regulations, Chapter 6, § 2 - Preference given to resident bidders in public printing contracts if the resident's bid is not more than 10% higher than that of the lowest responsible nonresident bidder. The successful resident bidder shall perform at least 75% of the contract within the state of Wyoming.

Wyoming Statutes Annotated, § 16-6-803 and Wyoming Rules & Regulations, Chapter 1, § 4 Preference is given to Wyoming artists for works of art in the public buildings of the State of Wyoming.

Wyoming Rules & Regulations, Chapter 14, § 6 – A preference is awarded to Wyoming contractors for any contractual service if the resident's bid is not more than 5% higher than that of the lowest responsible non-resident bidder. Resident laborers, workmen and mechanics are to be used whenever possible, provided that Wyoming materials and products of equal quality and desirability are given preference over materials or products produced outside the State of Wyoming.

For questions concerning the Bidder Preference List, please contact the Office of General Counsel at 463-4257.

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General Counsel

Texas Building & Procurement Commission