



2026 South Dakota Legislature

Senate Bill 26

Introduced by: The Chair of the Committee on Transportation at the request of the Department of Transportation

1 **An Act to revise procurement for highway construction contracts.**

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

3 **Section 1. That § 5-18A-22 be AMENDED:**

4 **5-18A-22.** The provisions of this chapter and chapters 5-18B, 5-18C, and 5-18D
5 do not apply to:

6 (1) Any highway construction contract entered into by the Department of
7 Transportation;

8 (2) Any political subdivision's utility contract to be bid in combination with a highway
9 construction contract of the Department of Transportation;

10 (3) Any contract for the purchase of supplies from the United States or its agencies or
11 any contract issued by the General Services Administration;

12 ~~(3)~~(4) Any purchase of supplies or services, other than professional services, by
13 purchasing agencies from any active contract that has been awarded by any
14 government entity by competitive sealed bids or competitive sealed proposals or
15 from any contract that was competitively solicited and awarded within the previous
16 twelve months;

17 ~~(4)~~(5) Any equipment repair contract;

18 ~~(5)~~(6) Any procurement of electric power, water, or natural gas; chemical and biological
19 products; laboratory apparatus and appliances; published books, maps, periodicals
20 and technical pamphlets; works of art for museum and public display; medical
21 supplies; communications technologies, computer hardware and software,
22 peripheral equipment, and related connectivity; tableware or perishable foods;

23 ~~(6)~~(7) Any supplies, services, and professional services required for externally funded
24 research projects at institutions under the control of the Board of Regents;

25 ~~(7)~~(8) Any property or liability insurance or performance bonds, except that the actual
26 procurement of any insurance or performance bonds by any department of the

- 1 state government, state institution, and state agency shall be made under the
2 supervision of the Bureau of Human Resources and Administration;
- 3 ~~(8)~~(9) Any supplies needed by the Department of Human Services or the Department of
4 Social Services or prison industries for the manufacturing of products;
- 5 ~~(9)~~(10) Any printing involving student activities, conducted by student organizations
6 and paid for out of student fees, at institutions under the control of the Board of
7 Regents. However, nothing in this subdivision exempts, from the requirements of
8 this chapter and chapters 5-18B, 5-18C, and 5-18D, purchases that involve
9 printing for other activities at institutions under the control of the Board of Regents;
- 10 ~~(10)~~(11) Any purchase of surplus property from another purchasing agency;
- 11 ~~(11)~~(12) Any animals purchased;
- 12 ~~(12)~~(13) Any purchase by a school district of perishable food, raw materials used in
13 construction or manufacture of products for resale, or for transportation of
14 students;
- 15 ~~(13)~~(14) Any authority authorized by chapters 1-16A, 1-16B, 1-16G, 1-16H, 1-16J, 5-
16 12, or 11-11;
- 17 ~~(14)~~(15) Any seeds, fertilizers, herbicides, pesticides, feeds, and supplies used in the
18 operation of farms by institutions under the control of the Board of Regents;
- 19 ~~(15)~~(16) Any purchase of supplies for any utility owned or operated by a municipality if
20 the purchase does not exceed the limits established in § 5-18A-14;
- 21 ~~(16)~~(17) For political subdivisions, any contract for asbestos removal in emergency
22 response actions and any contract for services provided by individuals or firms for
23 consultants, audits, legal services, ambulance services, architectural services and
24 engineering, insurance, real estate services, or auction services;
- 25 ~~(17)~~(18) Any purchase of supplies or services from a contract established through a
26 Midwestern Higher Education Compact group purchasing program by a competitive
27 sealed bid or a competitive sealed proposal; or
- 28 ~~(18)~~(19) Any contract concerning the custody, management, purchase, sale, and
29 exchange of fund investments and research by the State Investment Council or
30 Division of Investment.