



2026 South Dakota Legislature  
**Senate Bill 26**  
**ENROLLED**

AN ACT

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

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

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

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

- (1) Any highway construction contract entered into by the Department of Transportation;
- (2) Any political subdivision's utility contract to be bid in combination with a highway construction contract of the Department of Transportation;
- (3) Any contract for the purchase of supplies from the United States or its agencies or any contract issued by the General Services Administration;
- (4) Any purchase of supplies or services, other than professional services, by purchasing agencies from any active contract that has been awarded by any government entity by competitive sealed bids or competitive sealed proposals or from any contract that was competitively solicited and awarded within the previous twelve months;
- (5) Any equipment repair contract;
- (6) Any procurement of electric power, water, or natural gas; chemical and biological products; laboratory apparatus and appliances; published books, maps, periodicals and technical pamphlets; works of art for museum and public display; medical supplies; communications technologies, computer hardware and software, peripheral equipment, and related connectivity; tableware or perishable foods;
- (7) Any supplies, services, and professional services required for externally funded research projects at institutions under the control of the Board of Regents;
- (8) Any property or liability insurance or performance bonds, except that the actual procurement of any insurance or performance bonds by any department of the

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

An Act to revise procurement for highway construction contracts.

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I certify that the attached Act originated in the:

Senate as Bill No. 26

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2026 at \_\_\_\_\_ M.

\_\_\_\_\_ Secretary of the Senate

By \_\_\_\_\_ for the Governor

\_\_\_\_\_ President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2026

Attest:

\_\_\_\_\_ Secretary of the Senate

\_\_\_\_\_ Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_ Speaker of the House

Attest:

Filed \_\_\_\_\_, 2026 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_ Chief Clerk of the House

\_\_\_\_\_ Secretary of State

Senate Bill No. 26  
 File No. \_\_\_\_\_  
 Chapter No. \_\_\_\_\_

By \_\_\_\_\_ Asst. Secretary of State