

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

723X0334

SENATE BILL NO. 118

Introduced by: Senators Heinert, Bradford, Ewing, and Peterson (Jim) and Representatives Schaefer, Duvall, Rounds, Tulson, and Verchio

1 FOR AN ACT ENTITLED, An Act to exempt certain purchases from certain bidding
2 requirements.

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

4 Section 1. That § 5-18A-11 be amended to read:

5 5-18A-11. Unless otherwise specified by statute, purchases of supplies and services under
6 ~~twenty-five~~ fifty thousand dollars shall be made as follows:

7 (1) Notwithstanding other provisions of chapter 5-18A or 5-18D, the Bureau of
8 Administration may authorize state agencies and institutions to make purchases of
9 supplies over four thousand dollars and under ~~twenty-five~~ fifty thousand dollars by
10 obtaining three quotes from different vendors. If three quotes cannot be obtained, the
11 Bureau of Administration may approve the purchase if in the best interest of the state,
12 require additional quotes to be obtained, or require the purchase be advertised for
13 bids;

14 (2) State purchases of supplies under four thousand dollars may be made in accordance
15 with procedures established by the purchasing agency in the best interests of the state;



1 (3) State purchases of services under ~~twenty-five~~ fifty thousand dollars may be made in
2 accordance with procedures established by the purchasing agency in the best interests
3 of the state; and

4 (4) For all other purchasing agencies, purchases under ~~twenty-five~~ fifty thousand dollars
5 may be made in accordance with procedures established by the purchasing agency.

6 No purchases may be artificially divided to constitute a small purchase under this section.

7 Section 2. That § 5-18A-14 be amended to read:

8 5-18A-14. If the purchasing agency intends to enter into a contract for any public
9 improvement, supplies, or services that involves the expenditure of fifty thousand dollars or
10 more, ~~or a contract for the purchase of supplies or services~~, other than professional services, that
11 involves the expenditure of ~~twenty-five~~ fifty thousand dollars or more, the purchasing agency
12 shall advertise for bids or proposals. The advertisement shall appear as a legal notice in the
13 appointed legal newspaper. The advertisement shall be printed at least twice, with the first
14 publication at least ten days before opening of bids or the deadline for the submission of
15 proposals. The first publication shall be in each official newspaper of the purchasing agency,
16 and the second publication may be in any legal newspaper of the state chosen by the purchasing
17 agency. If the purchasing agency has no official newspaper, the first publication shall be made
18 in a legal newspaper with general circulation in the jurisdiction of the purchasing agency to be
19 selected by the purchasing agency. The advertisement shall state the time and place where the
20 bids will be opened or the deadline for the submission of proposals. In each notice, the
21 purchasing agency shall reserve the right to reject any or all bids or proposals.