# House File 2320 - Introduced

HOUSE FILE 2320 BY RIZER

## A BILL FOR

- 1 An Act permitting counties and cities to award competitively
- 2 bid contracts for purchases and projects to local and
- 3 in-state bidders under certain circumstances and including
- 4 applicability provisions.
- 5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- 1 Section 1. <u>NEW SECTION</u>. 73.13 County and city competitive 2 bidding permissible local and state preference.
- 3 l. Notwithstanding any other provision of law other than 4 section 73.11 to the contrary:
- 5 a. If a county engages in a competitive bidding process
- 6 for a contract for any purchase or project, the county may
- 7 award the contract to a responsive, responsible bidder whose
- 8 principal place of business is located within the boundaries
- 9 of the county, regardless of whether such bidder submitted
- 10 the lowest bid. If the county received multiple responsive,
- ll responsible bids from bidders whose principal place of business
- 12 is located within the boundaries of the county, only the bidder
- 13 that submitted the lowest bid may be awarded the contract in 14 this way.
- 15 b. If a county engages in a competitive bidding process
- 16 for a contract for any purchase or project, and the county
- 17 receives no responsive, responsible bids from bidders whose
- 18 principal place of business is located within the boundaries of
- 19 the county, the county may award the contract to a responsive,
- 20 responsible bidder whose principal place of business is located
- 21 in Iowa, regardless of whether such bidder submitted the lowest
- 22 bid. If the county received multiple responsive, responsible
- 23 bids from bidders whose principal place of business is located
- 24 in Iowa, only the bidder that submitted the lowest bid may be
- 25 awarded the contract in this way.
- 26 2. Notwithstanding any other provision of law other than
- 27 section 73.11 to the contrary:
- 28 a. If a city engages in a competitive bidding process for a
- 29 contract for any purchase or project, the city may award the
- 30 contract to a responsive, responsible bidder whose principal
- 31 place of business is located within the boundaries of the city,
- 32 regardless of whether such bidder submitted the lowest bid. If
- 33 the city received multiple responsive, responsible bids from
- 34 bidders whose principal place of business is located within
- 35 the boundaries of the city, only the bidder that submitted the

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- 1 lowest bid may be awarded the contract in this way.
- 2 b. If a city engages in a competitive bidding process for
- 3 a contract for any purchase or project, and the city receives
- 4 no responsive, responsible bids from bidders whose principal
- 5 place of business is located within the boundaries of the city,
- 6 the city may award the contract to a responsive, responsible
- 7 bidder whose principal place of business is located in Iowa,
- 8 regardless of whether such bidder submitted the lowest bid. If
- 9 the city received multiple responsive, responsible bids from
- 10 bidders whose principal place of business is located in Iowa,
- 11 only the bidder that submitted the lowest bid may be awarded
- 12 the contract in this way.
- 3. This section shall not be construed to require a county
- 14 or city that engages in a competitive bidding process for a
- 15 contract for any purchase or project to award the contract
- 16 to any bidder other than the lowest responsive, responsible
- 17 bidder.
- 18 Sec. 2. APPLICABILITY. This Act applies to competitive
- 19 bidding processes initiated by counties and cities on and after
- 20 January 1, 2017.
- 21 EXPLANATION
- The inclusion of this explanation does not constitute agreement with
- the explanation's substance by the members of the general assembly.
- 24 This bill permits a county that engages in a competitive
- 25 bidding process for a contract for any purchase or project to
- 26 award the contract to a responsive, responsible bidder whose
- 27 principal place of business is located within the boundaries
- 28 of the county, regardless of whether such bidder submitted
- 29 the lowest bid. If the county received multiple responsive,
- 30 responsible bids from bidders whose principal place of business
- 31 is located within the boundaries of the county, only the bidder
- 32 that submitted the lowest bid may be awarded the contract in
- 33 this way.
- The bill permits a county that engages in a competitive
- 35 bidding process for a contract for any purchase or project and

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- 1 that receives no responsive, responsible bids from bidders
- 2 whose principal place of business is located within the
- 3 boundaries of the county to award the contract to a responsive,
- 4 responsible bidder whose principal place of business is located
- 5 in Iowa, regardless of whether such bidder submitted the lowest
- 6 bid. If the county received multiple responsive, responsible
- 7 bids from bidders whose principal place of business is located
- 8 in Iowa, only the bidder that submitted the lowest bid may be
- 9 awarded the contract in this way.
- 10 The bill permits cities to engage in similar actions.
- 11 The bill applies notwithstanding any other provision of law
- 12 to the contrary.
- 13 The bill shall not be construed to require a county or city
- 14 that engages in a competitive bidding process for a contract
- 15 for any purchase or project to award the contract to any bidder
- 16 other than the lowest responsive, responsible bidder.
- 17 Under current Code section 73.11, a provision of the bill
- 18 would be suspended if the attorney general determines that such
- 19 provision would cause denial of funds or services from the
- 20 United States government which would otherwise be available, or
- 21 would otherwise be inconsistent with requirements of federal
- 22 law, but only to the extent necessary to prevent denial of
- 23 such funds or services or to eliminate the inconsistency with
- 24 federal requirements.
- 25 The bill applies to competitive bidding processes initiated
- 26 by counties and cities on and after January 1, 2017.