~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 8, 2018

**H. 4591**

Introduced by Reps. D.C. Moss, Bryant, Delleney, McCravy, Spires, Felder, Johnson, Martin, Murphy, Blackwell, Hixon, Pitts, Pope and G.M. Smith

S. Printed 3/8/18--H.

Read the first time January 10, 2018.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 4591) to amend Section 11‑35‑1524, Code of Laws of South Carolina, 1976, relating to resident vendor preferences under the consolidated procurement code so as to provide that, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 11‑35‑1524(D)(1) of the 1976 Code is amended to read:

“(1) When evaluating pricing for purposes of making an award determination, the procurement officer shall decrease a bidder’s price by two percent if:

(a) the bidder has a documented commitment from a single proposed first‑tier subcontractor to perform some portion of the services expressly required by the solicitation~~;~~ and

~~(b)~~ at the time of the bidding, the subcontractor directly employs or has a documented commitment with individuals domiciled in South Carolina that will perform services expressly required by the solicitation and the total direct labor cost to the subcontractor for those individuals to provide those services exceeds twenty percent of bidder’s total bid price; or

(b) the bidder is a business owned by a service‑disabled veteran residing in this State. For purposes of this section, ‘service‑disabled veteran” means a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable disability or death, that such disability was incurred or aggravated in line of duty in the active military, naval, or air service.”

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND SECTION 11‑35‑1524, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESIDENT VENDOR PREFERENCES UNDER THE CONSOLIDATED PROCUREMENT CODE SO AS TO PROVIDE THAT A BUSINESS OWNED BY A SERVICE‑DISABLED VETERAN RESIDING IN THIS STATE SHALL RECEIVE A FIVE PERCENT PREFERENCE THROUGH THE USE OF SET‑ASIDES ON CONTRACT AWARDS WHERE THE AWARDING PROCUREMENT OFFICER DETERMINES THE BUSINESS IS OTHERWISE QUALIFIED TO PERFORM THE REQUIREMENTS OF THE CONTRACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 11‑35‑1524 of the 1976 Code is amended by adding a new subsection to read:

“(F) In awarding contracts for bids of any amount under the provisions of this section, if one or more of the bidders is a business owned by a service‑disabled veteran residing in this State, which otherwise is qualified to perform the requirements of the contract in the determination of the awarding procurement officer, at least five percent of the dollar amount of the contract award must be set aside for and awarded to the business owned by the service‑disabled veteran where its bid is within ten percent of the bid of the lowest responsive bidder. If more than one such business meets these requirements, the five percent set‑aside must be equally divided among all of these businesses. Nothing herein prevents the entire contract from being awarded to a business owned by a service‑disabled veteran if it is the low bidder for the contract.”

SECTION 2. This act takes effect upon approval by the Governor.

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