

REFERENCE TITLE: state procurement code; Arizona preference

State of Arizona  
Senate  
Forty-eighth Legislature  
Second Regular Session  
2008

# **SB 1233**

Introduced by  
Senator Waring

AN ACT

AMENDING TITLE 41, CHAPTER 23, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2505; RELATING TO THE STATE PROCUREMENT CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 23, article 1, Arizona Revised Statutes,  
3 is amended by adding section 41-2505, to read:

4 41-2505. Preference for Arizona residents

5 A. AN ARIZONA BIDDER SHALL BE GIVEN PREFERENCE OVER A NONRESIDENT  
6 BIDDER IF THE COST AND QUALITY OF THE GOODS OR SERVICES ARE EQUAL.

7 B. THE DEPARTMENT MAY AWARD A CONTRACT TO A NONRESIDENT BIDDER ONLY IF  
8 ITS BID IS LOWER THAN THE LOWEST BID SUBMITTED BY A RESPONSIBLE ARIZONA  
9 BIDDER BY THE SAME AMOUNT THAT AN ARIZONA BIDDER WOULD BE REQUIRED TO  
10 UNDERBID THE NONRESIDENT BIDDER TO OBTAIN A COMPARABLE CONTRACT IN THE STATE  
11 WHERE THE NONRESIDENT'S PRINCIPAL PLACE OF BUSINESS IS LOCATED. IN  
12 EVALUATING A BID OF A NONRESIDENT BIDDER THE DEPARTMENT SHALL ADD AN AMOUNT  
13 EQUAL TO THE AMOUNT AN ARIZONA BIDDER WOULD BE REQUIRED TO UNDERBID A  
14 NONRESIDENT BIDDER TO OBTAIN A COMPARABLE CONTRACT IN THE STATE WHERE THE  
15 NONRESIDENT BIDDER'S PRINCIPAL PLACE OF BUSINESS IS LOCATED, OTHERWISE KNOWN  
16 AS RECIPROCAL PREFERENCE. AFTER THE AMOUNT IS ADDED, THE DEPARTMENT MAY MAKE  
17 AN AWARD TO THE NONRESIDENT BIDDER IF IT IS DETERMINED TO HAVE THE LOWEST  
18 PRICE AND BEST BID. THE AMOUNT ADDED IS FOR EVALUATION PURPOSES ONLY. THE  
19 DEPARTMENT SHALL NOT AWARD AN AMOUNT IN EXCESS OF THE AMOUNT ACTUALLY BID.