

MAR 3 2005  
STATE GOVERNMENT

HOUSE FILE 553  
BY MURPHY

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act requiring that preference be given, when considering bids  
2 and proposals for a state contract for data entry or call  
3 center services, to vendors through whom such work will be  
4 provided by United States citizens or persons authorized to  
5 work in the United States and providing for related matters  
6 and an effective date.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HF 553

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1 Section 1. Section 8A.311, subsection 1, Code 2005, is  
2 amended to read as follows:

3 1. All equipment, supplies, or services procured by the  
4 department shall be purchased by a competitive bidding  
5 procedure. However, the director may exempt by rule purchases  
6 of noncompetitive items and purchases in lots or quantities  
7 too small to be effectively purchased by competitive bidding.  
8 Preference shall be given to purchasing Iowa products and  
9 purchases from Iowa-based businesses if the Iowa-based  
10 business bids submitted are comparable in price to bids  
11 submitted by out-of-state businesses and otherwise meet the  
12 required specifications. If the laws of another state mandate  
13 a percentage preference for businesses or products from that  
14 state and the effect of the preference is that bids of Iowa  
15 businesses or products that are otherwise low and responsive  
16 are not selected in the other state, the same percentage  
17 preference shall be applied to Iowa businesses and products  
18 when businesses or products from that other state are bid to  
19 supply Iowa requirements. When considering bids and proposals  
20 for state contracts requiring the performance of data entry or  
21 call center services, preference shall be given to vendors  
22 through whom such services will be solely provided by citizens  
23 of the United States who reside within the United States, or  
24 any person authorized to work in the United States pursuant to  
25 federal law, including legal resident aliens in the United  
26 States, as provided in section 73.1, subsection 3.

27 Sec. 2. Section 73.1, Code 2005, is amended to read as  
28 follows:

29 73.1 PREFERENCE -- CONDITIONS.

30 1. Every commission, board, committee, officer or other  
31 governing body of the state, or of any county, township,  
32 school district or city, and every person acting as  
33 contracting or purchasing agent for any such commission,  
34 board, committee, officer or other governing body shall use  
35 only those products and provisions grown and coal produced

1 within the state of Iowa, when they are found in marketable  
2 quantities in the state and are of a quality reasonably suited  
3 to the purpose intended, and can be secured without additional  
4 cost over foreign products or products of other states. This  
5 section shall apply to horticultural products grown in this  
6 state even if the products are not in the stage of processing  
7 that the agency usually purchases the product. However, this  
8 section does not apply to a school district purchasing food  
9 while the school district is participating in the federal  
10 school lunch program.

11 2. All requests for proposals for materials, products,  
12 supplies, provisions, and other needed articles and services  
13 to be purchased at public expense shall not knowingly be  
14 written in such a way as to exclude an Iowa-based company  
15 capable of filling the needs of the purchasing entity from  
16 submitting a responsive proposal.

17 3. A state department, institution, or agency, or any  
18 board member, commissioner, director, manager, or other person  
19 connected with any such department, institution, or agency,  
20 shall give preference, when considering bids and proposals for  
21 state contracts requiring the performance of data entry or  
22 call center services, to vendors through whom such services  
23 will be solely provided by citizens of the United States who  
24 reside within the United States, or any person authorized to  
25 work in the United States pursuant to federal law, including  
26 legal resident aliens in the United States. Any vendor who  
27 receives such a preference in the bid and proposal process and  
28 is ultimately awarded such a contract shall provide such  
29 periodic assurances as the state shall require, that the  
30 services are solely provided by citizens of the United States  
31 who reside within the United States, or any person authorized  
32 to work in the United States pursuant to federal law,  
33 including legal resident aliens in the United States.

34 Sec. 3. EFFECTIVE DATE. This Act, being deemed of  
35 immediate importance, takes effect upon enactment.

EXPLANATION

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2 This bill requires that preference in the awarding of state  
3 contracts for data entry or call center services be granted to  
4 vendors through whom such services will be solely provided by  
5 citizens of the United States, or any person authorized to  
6 work in the U.S., including legal resident aliens in the U.S.,  
7 and requires the director of the department of administrative  
8 services to include the preference for such services in rules  
9 adopted establishing competitive bidding procedures.

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