

1 AN ACT relating to construction bids.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 45A.494 is amended to read as follows:

- 4 (1) Prior to a contract being awarded to the lowest responsible and responsive bidder on
5 a contract by a public agency, a resident bidder of the Commonwealth shall be given
6 a preference against a nonresident bidder registered in any state that gives or
7 requires a preference to bidders from that state. The preference shall be equal to the
8 preference given or required by the state of the nonresident bidder.
- 9 (2) A resident bidder is an individual, partnership, association, corporation, or other
10 business entity that, on the date the contract is first advertised or announced as
11 available for bidding:
- 12 (a) Is authorized to transact business in the Commonwealth; and
- 13 (b) Has for one (1) year prior to and through the date of the advertisement, filed
14 Kentucky corporate income taxes, made payments to the Kentucky
15 unemployment insurance fund established in KRS 341.490, and maintained a
16 Kentucky workers' compensation policy in effect.
- 17 (3) A nonresident bidder is an individual, partnership, association, corporation, or other
18 business entity that does not meet the requirements of subsection (2) of this section.
- 19 (4) If a procurement determination results in a tie between a resident bidder and a
20 nonresident bidder, preference shall be given to the resident bidder.
- 21 (5) ***A bonus of five percent (5%) shall be given to bidders that certify that at least***
22 ***seventy percent (70%) of the workforce that will be used in fulfilling the contract,***
23 ***including both employees and independent contractors, reside either within the***
24 ***Commonwealth or within fifty (50) miles of the job site.***
- 25 ***(6) A bonus of five percent (5%) shall be given to bidders that certify that twenty-five***
26 ***percent (25%) of the workforce that will be used in fulfilling the contract,***
27 ***including both employees and independent contractors, have completed or are in***

1 *the process of completing a registered apprenticeship which has been approved by*
 2 *the Education and Workforce Development Cabinet, the United States*
 3 *Department of Labor, or another state's agency which is tasked with registering*
 4 *apprenticeships.*

5 (7) This section shall apply to all contracts funded or controlled in whole or in part by a
 6 public agency.

7 ~~(8)~~ The Finance and Administration Cabinet shall maintain a list of states that
 8 give to or require a preference for their own resident bidders, including details of
 9 the preference given to such bidders, to be used by public agencies in determining
 10 resident bidder preferences. The cabinet shall also promulgate administrative
 11 regulations in accordance with KRS Chapter 13A establishing the procedure by
 12 which the preferences required by this section shall be given.

13 ~~(9)~~ *No preference shall be awarded to a bidder under this section* ~~[The~~
 14 ~~preference for resident bidders shall not be given]~~ if the preference conflicts with
 15 federal law.

16 ~~(10)~~ Any public agency soliciting or advertising for bids for contracts shall make
 17 KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

18 ➔Section 2. KRS 176.082 is amended to read as follows:

19 (1) Prior to a contract being awarded for the construction phase of a project, a resident
 20 bidder of the Commonwealth shall be given a preference against a nonresident
 21 bidder registered in any state that gives or requires a preference to bidders from that
 22 state. The preference shall be equal to the preference given or required by the state
 23 of the nonresident bidder and shall be applied after the opening of the bids.

24 (2) A resident bidder is an individual, partnership, association, corporation, or other
 25 business entity that, on the date the department advertises for bids:

26 (a) Is authorized to transact business in the Commonwealth; and

27 (b) Has for one (1) year prior to and through the date of advertisement, filed

1 Kentucky corporate or other business income taxes, made payments to the
2 Kentucky unemployment insurance fund established in KRS 341.490, and
3 maintained a Kentucky workers' compensation policy in effect.

4 (3) A nonresident bidder is an individual, partnership, association, corporation, or other
5 business entity that does not meet the requirements of subsection (2) of this section.

6 (4) The department shall use the list and administrative regulations described in KRS
7 45A.494~~(8)~~~~(6)~~ to determine the preferences to be given in awarding a contract.

8 (5) The preference shall not be given if the preference conflicts with federal law.

9 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO
10 READ AS FOLLOWS:

11 *The Kentucky Community and Technical College System shall offer online courses*
12 *designed to provide instruction in as many technical subjects as is necessary and*
13 *reasonably practicable to provide individuals with the knowledge of theoretical and*
14 *technical subjects related to apprenticeship programs registered with the Education*
15 *and Workforce Development Cabinet. As used in this section, 'apprenticeship*
16 *program' has the same meaning as in KRS 343.010.*