

**176.082 Reciprocal preference to be given to resident bidders on construction projects.**

- (1) Prior to a contract being awarded for the construction phase of a project, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder and shall be applied after the opening of the bids.
- (2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the department advertises for bids:
  - (a) Is authorized to transact business in the Commonwealth; and
  - (b) Has for one (1) year prior to and through the date of advertisement, filed Kentucky corporate or other business income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- (3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- (4) The department shall use the list and administrative regulations described in KRS 45A.494(6) to determine the preferences to be given in awarding a contract.
- (5) The preference shall not be given if the preference conflicts with federal law.

**Effective:** July 15, 2010

**History:** Created 2010 Ky. Acts ch. 162, sec. 5, effective July 15, 2010.