**South Dakota State Legislature Administrative Rules**

**Cleaning Products**

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=10:02:05:11>

 **10:02:05:11.  Procurement of cleaning and maintenance products.** Each state agency and institution shall specify products that meet at least one of the following requirements when procuring any cleaning or maintenance product:

 (1)  Green Seal certified;

 (2)  Ecologo certified;

 (3)  Designated for preferred procurement through the U.S. Environmental Protection Agency Designed for the Environment Safer Product Labeling Program by meeting the requirements of the EPA's DfE Standard for Safer Cleaning Products (SSCP), as revised on March 2010;

 (4)  Determined to be biobased products using ASTM Method D6866, 10 Standard Test Methods for Determining the Biobased Content of Solid, Liquid, and Gaseous Samples Using Radiocarbon Analysis, as in effect on July 1, 2010. Any cleaning or maintenance product included in the United States Department of Agriculture's BioPreferred Program electronic catalog of qualifying biobased products is accepted as compliant with this section; or

 (5)  Certified as meeting or exceeding any of the other requirements listed in this section by an independent and knowledgeable third party based on standardized test procedures.

 **Source:** 37 SDR 111, effective December 7, 2010.

 **General Authority:** SDCL 5-18A-38.

 **Law Implemented:** SDCL 5-18A-38.

 **References:** **EPA's DfE Standard for Safer Cleaning Products (SSCP)**, Revised March 2010, Design for the Environment, Office of Pollution Prevention and Toxics, US EPA, 1200 Pennsylvania Avenue NW, Mail Code 7406-M, Washington, DC 20460. Free copies of the standard are available on the internet at <http://www.epa.gov/dfe/pubs/projects/gfcp/index.htm#Standard>.

 ASTM Designation D6886-10, Standard Test Methods for Determining the Biobased Content of Solid, Liquid, and Gaseous Samples Using Radiocarbon Analysis, July 1, 2010, American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, USA 19428. An electronic copy of this document is available online at [www.astm.org](http://www.astm.org) or contact ASTM Customer Service at service@astm.org. Cost: $45.

**Energy Consuming Products**

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=10:02:05:13>

 **10:02:05:13.  Procurement of energy consuming products.** Each state agency and institution shall specify products that meet at least one of the following requirements when procuring energy consuming products:

 (1)  Energy Star qualified;

 (2)  Green Seal certified; or

 (3)  Ecologo certified.

 Any energy consuming product installed in new construction or renovation project that is designed to meet high performance green building standards pursuant to SDCL 5-14-32 to 5-14-38, inclusive, or ASHRAE Standard 90.1-2007, shall be accepted as being compliant with this section.

 **Source:** 37 SDR 111, effective December 7, 2010.

 **General Authority:** SDCL 5-18A-38.

 **Law Implemented:** SDCL 5-18A-38.

 **Reference:** **ASHRAE Standard 90.1-2007, Energy Standard for Buildings Except Low-Rise Residential Buildings**, I-P Edition, Copyright 2007, with 2008 Supplement, American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle NE, Atlanta, GA 30329. Cost: $135.

**Paper**

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=10:02:05:09>

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=10:02:05:10>

**10:02:05:09.  Procurement of paper products and printing.** Each state agency and institution shall specify products that meet at least one of the following requirements when procuring any paper product or requesting bids or quotes for any printing project:

 (1)  Green Seal certified;

 (2)  Ecologo certified; or

 (3)  Comply with the minimum requirements for recycled content as published in the United States Environmental Protection Agency Comprehensive Procurement Guidelines, Buy-Recycled Series, Paper Products, October 2007.

 **Source:** 37 SDR 111, effective December 7, 2010.

 **General Authority:** SDCL 5-18A-38.

 **Law Implemented:** SDCL 5-18A-38.

 **Reference:** **Comprehensive Procurement Guidelines, Buy-Recycled Series, Paper Products**, October 2007. United States Environmental Protection Agency, Office of Resource Conservation and Recovery (5305P), 1200 Pennsylvania Avenue NW, Washington, DC 20460. A free copy of this document is available on the internet at <http://www.epa.gov/epawaste/conserve/tools/cpg/pdf/paper.pdf>.

**10:02:05:10.  Printed on recycled paper statement required on state printing projects.** Each state printing project shall include the statement "Printed on Recycled Paper," unless the agency has received a written waiver from the Office of Procurement Management authorizing the use of virgin stock paper for the project.

 **Source:** 37 SDR 111, effective December 7, 2010.

 **General Authority:** SDCL 5-18A-38.

 **Law Implemented:** SDCL 5-18A-38.

**Water**

<http://sdlegislature.gov/rules/DisplayRule.aspx?Rule=10:02:05:14>

 **10:02:05:14.  Procurement of water consuming products.** Each state agency or institution shall specify products that meet at least one of the following requirements when procuring water consuming products:

 (1)  WaterSense qualified; or

 (2)  Ecologo certified.

 Any water consuming product installed in a new construction or renovation project that is designed to meet high performance green building standards pursuant to SDCL 5-14-32 to 5-14-38, inclusive, shall be accepted as being compliant with this section.

 **Source:** 37 SDR 111, effective December 7, 2010.

 **General Authority:** SDCL 5-18A-38.

 **Law Implemented:** SDCL 5-18A-38.

**South Dakota State Codified Law**

**Residential Preference**

CHAPTER 5-18A

PUBLIC AGENCY PROCUREMENT--GENERAL PROVISIONS

**5-18A-25.**

Preferences to certain resident businesses, qualified agencies, and businesses using South Dakota supplies or services. In awarding a contract, if all things are equal, including the price and quality of the supplies or services, a purchasing agency shall give preference:

             (1)      To a qualified agency if the other equal low bid or proposal was submitted by a business that was not a qualified agency;

             (2)      To a resident business if the other equal low bid or proposal was submitted by a nonresident business;

             (3)      To a resident manufacturer if the other equal low bid or proposal was submitted by a resident business that is not a manufacturer;

             (4)      To a resident business whose principal place of business is located in the State of South Dakota, if the other equal low bid or proposal was submitted by a resident business whose principal place of business is not located in the State of South Dakota; or

             (5)      To a nonresident business providing or utilizing supplies or services found in South Dakota, if the other equal low bid or proposal was submitted by a nonresident business not providing or utilizing supplies or services found in South Dakota.

     In computing price, the cost of transportation, if any, including delivery, shall be considered.
Source: SL 2010, ch 31, § 28.

<http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=5-18A-25>

**5-18A-26.**

Resident bidder preferred over nonresident bidder from state or foreign province that has preference for resident bidders. A resident bidder shall be allowed a preference on a contract against the bid of any bidder from any other state or foreign province that enforces or has a preference for resident bidders. The amount of the preference given to the resident bidder shall be equal to the preference in the other state or foreign province.
Source: SL 2010, ch 31, § 29.

<http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=5-18A-26>

**Soybean-based Inks**

<http://sdlegislature.gov/Statutes/Codified_Laws/DisplayStatute.aspx?Type=Statute&Statute=5-18D-16>

  5-18D-16.   Soybean-based inks. The Bureau of Administration shall purchase, if the price is reasonably competitive and the quality is acceptable, soybean-based inks in lieu of conventional inks for use in any state government operations. The bureau may require the use of soybean-based inks by any private vendor under contract to a state agency in carrying out the terms of the contract if the price of the inks is reasonably competitive and the quality is acceptable.
**Source:** SL 2010, ch 31, § 109.

**LEED Buildings**

SB188

AN ACT

ENTITLED, An Act to establish high performance building design and construction standards for newly constructed or renovated state-owned buildings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms used in this Act mean:

(1) "High-performance green building standard," a building that is designed and constructed

in a manner that achieves at least:

(a) A silver standard rating under the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system as of January 1, 2008;

(b) A two globe rating under the Green Building Initiative's Green Globes rating system as of January 1, 2008; or

(c) A comparable numeric rating under a sustainable building certification program

recognized by the American National Standards Institute as an accredited standards

developer;

(2) "New construction," any new building constructed by any state agency, department, or

institution which has a cost of five hundred thousand dollars or more or that includes five

thousand square feet or more of space;

(3) "Renovation" or "renovated," any alteration of a state building with a cost of five hundred

thousand dollars or more or that includes five thousand square feet or more of the

building;

(4) "State building project," new construction or renovation of a building, which has heating,

ventilation, or air conditioning, by the Board of Regents or any state agency, department,

or institution.

Section 2. Any state building projects as defined in section 1 of this Act, shall meet or exceed

a high-performance green building standard.

Section 3. A waiver of the requirements of section 2 of this Act may be granted by the Office of

the State Engineer if:

(1) The building will have minimal human occupancy;

(2) The increased costs of achieving a high-performance green building standard cannot be

recouped from decreased operational costs within fifteen years;

(3) A building is on the national register of historic places and achieving a high-performance

green building standard would result in noncompliance with standards for historic

preservation as set forth in the secretary of the interior's Standards for the Treatment of

Historic Properties in effect as of January 1, 2008;

(4) The square footage of the renovation project is less then fifty percent of the total square

footage of the building being renovated. If the renovation project is being done in phases,

the total square footage of all intended phases combined shall be used in making this

calculation; or

(5) The Bureau of Administration determines that extenuating circumstances exist to make

impractical high-performance green building standard certification.

Section 4. No state building project may proceed to construction until the Bureau of

Administration has determined that the project is satisfactorily designed to achieve or exceed a high performance

green building standard or that a waiver is granted pursuant to this Act.

Section 5. Upon completion of a state building project, the Bureau of Administration shall

certify:

(1) That the project achieved a high-performance green building standard;

(2) That a waiver was granted pursuant to this Act; or

 (3) That the project failed to comply with the provisions of this Act.

Section 6. The Bureau of Administration shall annually report to the Legislature a listing of any

state building project which was granted a waiver or failed to comply with the provisions of this Act.

Section 7. The Bureau of Administration shall promulgate rules pursuant to chapter 1-26

establishing the procedures and terms and conditions for certifying a project and granting waivers and the method for calculating the initial costs and the decreased operational costs related to achieving high-performance green building standards.

An Act to establish high performance building design and construction standards for newly

constructed or renovated state-owned buildings.

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