

Testimony of the Operating Engineers Local 478
before the Committee on Labor and Public Employees
On Committee Bill 5185
February 24, 2009

The Operating Engineers Local 478 is testifying today in favor of AAC Concerning State Agency Permissive In-State Contracting Preferences. We are also recommending that the Committee take this bill beyond the current scope by eliminating the language that limits the preference to contracts won only by bidders from states that also have preferences. We ask this to help in-state construction companies that are currently competitively bidding for work against companies from adjoining states like New York, Massachusetts and Rhode Island that do not have Local Preference statutes.

In-state companies hire local workers, use local suppliers and return their profits to the community. They support programs like Little League, help with local charities and add to the livability of our towns and cities. When construction slows down, companies from adjoining states with no stake in our communities begin reaching beyond their local markets to seek work. They bring their workforce with them, depriving Connecticut workers of the opportunity to work on jobs that their local and state taxes are paying for. Workers from adjoining states are willing travel to work in Connecticut because of the generally higher wages that the state pays. In Connecticut the average wage of a construction worker is \$42,000 per year. In Rhode Island it is \$38,000, in mid state New York it is \$36,000, and in western Massachusetts the average wage is \$39,000. Workers are willing to travel an extra hour per day for the higher wages, and contractors will bring workers with whom they are familiar rather than to take a chance on hiring from the local market. Unionized construction companies can be required to hire local workers, but there is no control on non union contractors. They can and will employ who they want from wherever they want. There are also other factors in bids by out of state companies that give them advantages. Liability and Workmen's Compensation insurance can cost less in other states. This gives a foreign corporation a cost saving that will show up in the final price of a bid also.

Something that should be considered, however, is the definition of an in state contractor. It should mean a company with their headquarters in Connecticut, not just a business address. Renting an office in the state and putting a secretary in it one month prior to submitting a bid would seem to satisfy the resident bidder language in this bill. This will do little to help construction contractors that are paying property taxes, motor vehicle registration fees, business taxes and all of the other fees associated with living and doing business in our state. An out of state corporation can spend one month's rent to find out if they have won a bid, and leave if they do not. Joint ventures also have to be addressed. Large out of state businesses can partner with

local contractors that will perform only a small portion of the work and claim to be a resident contractor by using the smaller companies address. This can be addressed by requiring the local partner in a joint venture to perform the majority of the work to be done, or to receive the majority of the proceeds paid out. DECD money that the state pays should be covered by this statute also.

To show that this is a problem in the construction industry, I have attached bid sheets from jobs that have recently been awarded in the state that would have gone to local companies if this law was in effect, and two that are currently in the bidding process. One that is bidding is a private job which would not be affected, but it serves to show what may be coming towards us as the economy deteriorates further. I have also attached a list of states with resident contractor statutes and abstracts of the statutes. This bill is a good idea for Connecticut companies and the workers they employ, and we hope you will move it forward.

PA1 T122900107
 BID STAGE:LOW BID

New Construction**GREAT NECK ELEMENTARY SCHOOL PHASE II OF IV****LOCATION:** Waterford, CT (New London Co.) 165 Great Neck Rd**CONTRACTING METHOD:** Competitive Public Bids**BIDS OPENED:** February 2, 2009**OWNER:** Town of Waterford

15 Rope Ferry Rd, Waterford, CT 06385

(860)442-0553 FAX# (860)442-9037

CM: O & G Industries GC Bid Division

112 Wall St, Torrington, CT, 06790

(860)489-9261 FAX# (860)496-4227

PRINTER: Crest Graphics

220 Farmington Ave, Farmington, CT, 06032

(860)677-8817 FAX# (860)677-6504

SIZE: New Construction, 75,000 SF, two stories**DIVISION:****Div2** site construction**Div3** concrete**Div4** masonry**Div5** metals**Div7** roofing & siding panels, thermal & moisture protection**Div8** door & windows, entrances & storefronts, windows**Div9** acoustical treatment, finishes, paints & coatings or painting, wall finishes**Div13** fire suppression**Div14** conveying systems, elevators**Div15** hvac, mechanical, plumbing fixtures & equipment**Div16** electrical or electric**CONTACT:** Larry Schilling, Pre-construction manager, with CM, (860)496-4849**CONTACT:** Tara Grieco with CM, (860)626-6454**Plans:** Printer

PLAN DEP: \$200.00 Not Refundable

A Pre-bid Meeting was held on January 7, 2009 at 2:00 PM at Town Hall Auditorium, 15 Rope Ferry Rd, Waterford

Industry Type: Educational

Industry Sub Type: Elementary School

Apparent Low Bidders:**Concrete**1. John Strafach & Sons \$753,200.00

FAX# (401)596-9435 ,P.O. Box 1278, Westerly, RI 02891 (401)596-4115

2. McCarthy Concrete Co. \$788,800.003. Hop River Concrete \$790,200.004. WJ Mountford Co \$837,000.005. Noble Construction & Management \$945,750.006. Waterbury Concrete Foundations \$989,000.007. Waterbury Masonry & Foundation Inc \$1,025,000.008. RJB Contracting \$1,041,200.009. G Donovan Associates Inc \$1,057,000.0010. McDowell Building Foundation \$1,360,000.00**Drywall & Acoustical**1. A & A Drywall & Acoustics \$1,362,000.00

FAX# (203)783-1967 ,66 Quirk Rd Ste 1, Milford, CT 06460 (203)878-3392

2. Partitions Inc \$1,420,305.003. SG Milazzo & Company \$1,434,932.004. Acoustics Inc \$1,523,000.005. CGM Acoustics Inc \$1,600,000.006. Connecticut Acoustics \$1,630,847.00**Electrical**1. Electrical Contractors Inc \$1,829,900.00

FAX# (860)549-7948 ,3510 Main St, Hartford, CT 06120 (860)549-2822

2. Ferguson Electric \$1,871,000.003. Dicin Electric \$1,948,750.004. State Wide Electric, Inc. \$1,952,376.005. C & H Electric Inc \$2,039,000.006. Bonner Electric \$2,268,396.007. Arthur A Horton Inc \$2,794,000.00**Elevator**1. Thyssenkrupp Elevator Corp \$66,800.00

FAX# (203)799-7769 ,55 Robinson Blvd, Orange, CT 06477 (203)799-7800

2. KONE Elevators Inc \$71,900.00**Fire Protection**

PA1 U012200124
BID STAGE:LOW BID

New Construction

SPELLMAN PARK RESTROOM

LOCATION: Stonington, CT (New London Co.)

CONTRACTING METHOD: Competitive Public Bids

BIDS OPENED: February 5, 2009

OWNER: Town of Stonington Finance Department

152 Elm St, Stonington, CT 06378

(860)535-5070 FAX# (860)535-0602

DIVISION:

Div2 basic site materials & methods, site construction

Div3 concrete, precast concrete

Div13 pre-engineered structures, special construction

Div15 basic mechanical materials & methods, mechanical, plumbing fixtures & equipment

Div16 electrical or electric

NOTES : Includes a precast concrete building 11 FT x 23 FT 2 IN x 8 FT

Plans: Owner, Beth-Ann Stewart at bstewart@stonington-ct.gov

Industry Type: Governmental

Industry Sub Type: Park Buildings Comfort Stations

Apparent Low Bidders:

- ➔ 1. Modular Connections \$61,952.00
 1090 Industrial Blvd, Bessemer, AL 35022 (205)980-4565
- ➔ 2. United Concrete Products Inc \$62,272.00 **WALLINGFORD CT**
- 3. Old Castle Precast \$72,230.00

First Reported January 22, 2009

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Dodge Report

Dodge #05-821887 - 19

Report Date: 2/18/2009 Last Date: 2/ 6/2009 First Date : 8/24/2005

BIDDING

Type of Work: Alterations/Renovations

Project Estimate: \$11,000,000

Bid Date: 3/ 5/2009

Water Pollution Control Facility (Upgrades)

Stafford, CT (Tolland Co.) River Road, 06076

Status:

Add Bidders - GC Bids to Owner March 5 at 10 AM (EST)

Method of Contracting: GC to be Competitively Bid

Minority Business Enterprise

Women in Business Enterprise

Owner

Town of Stafford Water Pollution Control Authority. Kevin Leslie, Chairman. 1 Main St, Stafford Springs, CT 06076-1412 USA (860-684-1763)

Owner's Agent

Town of Stafford. Allen Bacchiochi, First Selectman. Warren Memorial Town Hall, 1 Main Street, Stafford, CT 06076-1412 USA (860-684-1777)

Engineer

Camp Dresser & McKee Inc. Steve Segal. 100 Great Meadow Road, Putnam Park, Suite 104, Wethersfield, CT 06109-2355 USA (860-808-2253, Fax: 860-529-8102)

Notes: Internet Site: <http://www.cdm.com> - Email: media@cdm.com

Plans (Architectural, Electrical, Mechanical) By: Engineer

Reprographer

Joseph Merritt & Company Inc. 650 Franklin Ave, Hartford, CT 06114-3031 USA (860-296-2500, Fax: 860-947-3288)

Previously Reported Bidders on GC

C H Nickerson & Company Inc. 49 Hayden Hill Rd, PO Box 808, Torrington, CT 06790-2309 USA (860-489-0455, Fax: 860-496-0481)

Carlín Contracting. 454 Boston Post Rd, Waterford, CT 06385-1510 USA (860-443-8337, Fax: 860-443-9638)

Delray Contracting Co.. 9 Lake Ln, Ellington, CT 06029-3044 USA (860-870-8100, Fax: 860-870-9554)

Waterline Industries Corp. 145 Batchelder Rd, Seabrook, NH 03874-4402 USA (603-474-7477, Fax: 603-474-8578)

Additional Bidders on GC

Kovacs Construction. 297 White St, Danbury, CT 06810-6934 USA (203-743-4022, Fax: 203-790-1326)

Methuen Construction Co Inc. 40 Lowell Rd, Salem, NH 03079-4029 USA (603-328-2222, Fax: 603-328-2322)

R H White Construction Co Inc. 41 Central St, PO Box 404, Auburn, MA 01501-2304 USA (508-832-3295, Fax: 508-832-7084)

Cianbro Corporation. 40 E Dudley Town Rd, Bloomfield, CT 06002-1410 USA (860-286-3000, Fax: 860-286-3064)

Weston & Sampson CMR Inc. 5 Centennial Dr, Peabody, MA 01960-7906 USA (978-532-1900, Fax: 978-573-4023)

Ralph Camputaro & Son Excavating. 1 Enterprise Dr, North Branford, CT 06471-1355 USA (203-483-0330, Fax: 203-483-7518)

Daniel O'Connell's Sons Inc. PO Box 267, Holyoke, MA 01041-0267 USA (413-534-5667, Fax: 413-536-6915)

Walsh Construction Co. of Illinois/Northeast Div. Paul Coogan. 2 Commercial St Ste 201, Sharon, MA 02067-1659 USA (781-793-9988, Fax: 781-793-9009)

Loureiro Contractors. 100 Northwest Dr, Plainville, CT 06062-1559 USA (860-747-6631, Fax: 860-747-9330)

O & G Industries Inc. Bldg & Const Mgmt Division. 112 Wall Street, Torrington, CT 06790 USA (860-489-9261, Fax: 860-496-4227)

Associated Construction Co.. 1010 Wethersfield Ave, Hartford, CT 06114-3149 USA (860-296-4114, Fax: 860-296-7206)

Ozonia North America. Kathy Dambrosio. 491 Edward H Ross Dr, Elmwood Park, NJ 07407-3118 USA (201-794-3100, Fax: 201-794-3358)

Jett Industries Inc. PO Box 219, Rte 7, Colliersville, NY 13747 USA (607-433-2100, Fax: 607-433-2430)

RJB Contracting Inc. Ray Barbieri. 368 Winsted Rd, PO Box 389, Torrington, CT 06790-2931 USA (860-496-7503, Fax: 860-482-4541)

Bond Information: 5% Bid Bond, 100% Performance Bond, 100% Payment Bond

Plans From: , \$225 charge. plus tax & shipping - payable to Reprographer

February 18, 2009

Dodge Report

Dodge #09-400643 - 4

Report Date: 2/ 6/2009 Last Date: 1/30/2009 First Date : 1/ 6/2009

BIDDING

Type of Work: Alterations/Renovations

Project Estimate: H

Bid Date: 2/17/2009

Shelton (CT) Wal-Mart Supercenter #2163-112 (Remodel) (WM2163)

(A) EMS

(B) Refrigeration

Shelton, CT (Fairfield Co.) 465 Bridgeport Ave, 06484-4751

Status:

Revised bidders - GC Bids (by invitation only) to Owner February 17at 12 PM (CST)

Target Start Date: 04/2009

Target Completion Date: 07/2009

Method of Contracting: Invited to Bid Competitively

Owner

Wal-Mart Stores Inc. C/O Construction Dept #8702. Ashli Amos, Dept 8702. 2001 SE 10th St, Bentonville, AR 72712-6489 USA (417-883-6600, Fax: 866-730-6151)

Architect/Structural Engineer/Mechanical Engineer/Electrical Engineer

Boice Raidl Rhea Architects. Boyd Rau, Contact. 6700 Antioch Rd Ste 300, Merriam, KS 66204-1200 USA (913-262-9095, Fax: 913-262-9044)

Notes: crhea@brrarch.com

Previously Reported Bidders on GC

→ Aberthaw Construction Co.. Dave Hutchinson. 672 Suffolk St Ste 200, Lowell, MA 01854-3608 USA (978-654-4500, Fax: 978-654-4249)

→ Callahan Inc. Ian Carpenter, Chief Estimator. 80 First St, Bridgewater, MA 02324-1054 USA (508-279-0012, Fax: 508-279-0032)

→ EMJ Corporation/New England. Chet Wojcik, Estimator. 800 South St Ste 370, (Watermill Center), Waltham, MA 02453-1478 USA (781-891-0101, Fax: 781-891-5559)

→ Pyramid Contracting Inc. 31 Humbert St, North Providence, RI 02911-2721 USA (401-349-0799, Fax: 401-349-0804)

→ R L Spencer. Richard Bruno. 8051 Cazenovia Rd Ste B, Ste B, Manlius, NY 13104-2009 USA (315-682-7734, Fax: 315-682-9341)

→ Zlotnick Construction Inc.. 161 Storrs Road, Mansfield, CT 06250 USA (860-456-3221, Fax: 860-456-3981)

(A) Previously Reported Bidders

→ Pettus Mechanical. Tony Robertson. 600 Ford Rd, Muscle Shoals, AL 35661-1112 USA (256-389-8181)

→ RS Services, Inc. 7806 N Highway 81, Duncan, OK 73533-8795 USA (580-255-6800)

→ Weston Technolgy. 9 Lincoln Rd, Holderness, NH 03245-5114 USA (603-759-6060, Fax: 603-536-1503)

(B) Previously Reported Bidders

→ AAA Refrigeration Services Inc. 1804 Nereid Ave, Bronx, NY 10466-1224 USA (718-324-2231)

→ ABC Refrigeration & Air Conditioning Inc. 6619 Joy Rd, East Syracuse, NY 13057-1107 USA (315-455-7083, Fax: 315-455-5924)

Plans From:

Plans on File: Hartford, CT (47)

Plans on SCAN: 90400643

Proposed Contracting Method: Invited to Bid Competitively

Construction Details:

Additional Features: Interior Renovations - Cast in place concrete - Masonry mortar - Structural steel - Cold formed metal framing - Metal Fabrications - Plastic materials - finish carpentry - Architectural woodwork - Building insulation - Sheet metal flashing and trim - Fiber fireproofing - firestopping - Joint seals - Steel doors - Overhead doors - Coiling doors - Flexible traffic doors - Door hardware - Glazing - Gypsum Board - Ceramic tile - Quarry tile - Acoustical Paneling - Resilient flooring - Resilient base & accessories - Carpet - Paint - Toilet compartments & accessories - Wall & corner guards - Signage - Food service equipment -Fire Protection - Division 15 - Division 16

State-by-State Review of Local Preference Bids
List Based on Lexis Database Search Conducted November, 2008
Research Completed by Center for Governmental Research (CGR)

States WITHOUT a Percentage or Dollar limit on Local Preference Bids

Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin

States WITH a Percentage or Dollar limit on Local Preference Bids

1) Alaska

TITLE 36. PUBLIC CONTRACTS
CHAPTER 30. STATE PROCUREMENT CODE
ARTICLE 2. COMPETITIVE SEALED BIDDING
Alaska Stat. § 36.30.170 (2008)

Sec. 36.30.170. **Contract** award after bids

(a) Except as provided in (b) -- (h) of this section, the procurement officer shall award a **contract** based on the solicited bids with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid.

(b) The procurement officer shall award a **contract** based on solicited bids to the lowest responsive and responsible bidder after an Alaska bidder **preference** of five percent, an Alaska products **preference** as described in AS 36.30.322 -- 36.30.338, and a recycled products **preference** under AS 36.30.337 have been applied. In this subsection, "Alaska bidder" means a person who

(1) holds a current Alaska business license;

(2) submits a bid for goods, services, or construction under the name as appearing on the person's current Alaska business license;

(3) has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the date of the bid;

(4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under former AS 32.05, AS 32.06, or AS 32.11 and all partners are residents of the state; and

(5) if a joint venture, is composed entirely of ventures that qualify under (1) -- (4) of this subsection.

2) California

(a) Whenever the state prepares a solicitation for a **contract for goods in excess of one hundred thousand dollars (\$100,000)**, except a contract in which the worksite is fixed by the provisions of the contract, the state shall award a **5-percent** preference to California-based companies who demonstrate and certify under penalty of perjury that, of the total labor hours required to manufacture the goods and perform the contract,

1) at least 50 percent of the hours shall be accomplished at an identified worksite or worksites located in a local agency military base recovery area.

OR

2) not less than 90 percent of the labor hours required to perform the contract shall be accomplished at an identified worksite or worksites located in a local agency military base recovery area.

(c) Where a bidder complies with subdivision (a) or (b), the state shall award

1) a **1-percent** preference for bidders who certify under penalty of perjury to hire persons living within a local agency military base recovery area equal to 5 to 9 percent of its workforce during the period of contract performance;

2) a **2-percent** preference for bidders who shall agree to hire persons living within a local agency military base recovery area equal to 10 to 14 percent of its workforce during the period of contract performance;

3) a **3-percent** preference for bidders who shall agree to hire persons living within a local agency military base recovery area equal to 15 to 19 percent of its workforce during the period of contract performance; and

4) a **4-percent** preference for bidders who shall agree to hire persons living within a local agency military base recovery area equal to 20 or more percent of its workforce during the period of contract performance.

(d) The maximum preference a bidder may be awarded pursuant to this chapter and any other provision of law shall be **15 percent**. However, in no case shall the maximum preference cost under this section exceed **fifty thousand dollars (\$50,000)** for any bid, nor shall the combined cost of preferences granted pursuant to this section and any other provision of law exceed one hundred thousand dollars (**\$100,000**). In those cases where the **15-percent** cumulated preference cost would exceed the one hundred thousand dollar (**\$100,000**) maximum preference cost limit, the one hundred thousand dollar (**\$100,000**) maximum preference cost limit shall apply.

3) Louisiana

a) If a nonresident contractor bidding on public work in the state of Louisiana is domiciled in a state that provides a **percentage preference in favor of contractors domiciled in that state over Louisiana resident contractors** for the same type of work, **then every Louisiana resident contractor shall be granted the same preference over contractors domiciled in the other state favoring contractors** domiciled therein whenever the nonresident contractor bids on public work in Louisiana.

4) Montana

a) If there are no out-of-state bidders for a contract subject to competitive bid under this part, the contract may be awarded to the lowest and best responsible bidder that is a county resident and that makes a bid that is no more than **\$500** or **3%** higher, whichever is less, than the bid of the lowest responsible bidder that is not a county resident.

b) If there is one or more out-of-state bidders for

1) a contract for construction, repair, or maintenance of a building, road, or bridge that is in excess of \$ 50,000 and that is subject to competitive bid under this part, or

2) a public contract for the purchase of goods, THEN a **resident bidder must be allowed a preference on a contract against the bid of a nonresident bidder from any state or country that enforces a preference for resident bidders**. The

preference given to resident bidders of this state must be **equal** to the preference given in the other state or country.

5) Nevada

1. Except as otherwise provided in subsection 10 and NRS 338.143; , 338.1442; and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative; and

(2) At the time he submits his bid, has a **valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and**

(b) Not more than **5 percent higher than the bid submitted by the lowest responsive and responsible bidder who does not have, at the time he submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him by the State Contractors' Board pursuant to subsection 3 or 4,** shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this state:

(a) Paid directly, on his own behalf:

(1) **The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months**

immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this state:

(a) Paid directly, on his own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this state, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this state that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business in this state of not less than \$5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this state by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this state by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, **paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain his eligibility to hold such a certificate.**

6) Virginia

a) Whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a **percentage preference, a like preference shall be allowed to the lowest responsive and responsible bidder who is a resident of Virginia and is the next lowest bidder.** If the lowest bidder is a resident contractor of a state with an absolute preference, the bid shall not be considered. The Department of General Services shall post and maintain an updated list on its website of all states with an absolute preference for their resident

contractors and those states that allow their resident contractors a percentage preference, including the respective percentage amounts. For purposes of compliance with this section, all public bodies may rely upon the accuracy of the information posted on this website.

b) Notwithstanding the provisions of subsections A and B, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the **greatest amount of recycled content**.

7) Wyoming

a) If a contract is let by the state, any department thereof, or any county, city, town, school district, community college district or other public corporation of the state for the erection, construction, alteration or repair of any public building, or other public structure, or for making any addition thereto, or for any public work or improvements, the contract shall be let, if advertisement for bids or request for proposal is not required, to a resident of the state. Unless an alternate design and construction delivery method is used, if advertisement for bids or request for proposal is required the contract shall be let to the responsible certified resident making the lowest bid if the certified resident's bid is not more than **five percent (5%)** higher than that of the lowest responsible nonresident bidder.

b) Every board, commission or other governing body of any state institution, and every person acting as purchasing agent for the board, commission or other governing body of any state institution or department, and every county, municipality, school district and community college district, shall prefer in all purchases for supplies, material, agricultural products, equipment, machinery and provisions to be used in the maintenance and upkeep of their respective institutions, supplies, materials, agricultural products, equipment, machinery and provisions produced, manufactured or grown in this state, and supplies, materials, agricultural products, equipment, machinery and provisions supplied by a resident of the state, competent and capable to provide service for the supplies, materials, agricultural products, equipment, machinery and provisions within the state of Wyoming. Preference shall not be granted for articles of inferior quality to those offered by competitors outside of the state, but a differential of not to exceed **five percent (5%)** may be allowed in cost of contracts less than **five million dollars (\$5,000,000.00)** for the **Wyoming materials, supplies, agricultural products, equipment, machinery and provisions of quality equal to those of any other state or country**.