**Iowa Code Preferences**

**117.6(1)** *Preference to Iowa products and services.*

*a.* All requests for proposals for materials, products, supplies, provisions and other needed articles

and services to be purchased at public expense shall not knowingly be written in such a way as to exclude an Iowa-based company capable of filling the needs of the purchasing entity from submitting a responsive proposal.

*b.* The department and state agencies shall make every effort to support Iowa products when

making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the Iowa products. Tied bids between Iowa products shall be decided in accordance with subrule 117.13(4).

**117.6(2)** *Preference to Iowa-based businesses.* The department and state agencies shall make every effort to support Iowa-based businesses when making a purchase. Tied responses to solicitations, regardless of the type of solicitation, shall be decided in favor of the Iowa-based business. Tied bids between Iowa-based businesses shall be decided in accordance with subrule 117.13(4).

**117.13(4)** *Tied bids and preferences.* If an award is based on the highest score and there is a tied

score, or if the award is based on the lowest cost and there is a tied cost, the award shall be determined by a drawing. Whenever it is practical to do so, the drawing will be held in the presence of the vendors with the tied bids. Otherwise, the drawing will be held in front of at least three noninterested parties. All drawings shall be documented.

*a.* Notwithstanding the foregoing, whenever a tie involves an Iowa vendor and a vendor outside

the state of Iowa, first preference will be given to the Iowa vendor. Whenever a tie involves one or

more Iowa vendors and one or more vendors outside the state of Iowa, the drawing will be held among the Iowa vendors only. Tied bids involving Iowa-produced or Iowa-manufactured products and items produced or manufactured outside the state of Iowa will be resolved in favor of the Iowa product. If a tied bid does not include an Iowa vendor or Iowa-produced or Iowa-manufactured product, preference will be given to a vendor based in the United States or products produced or manufactured in the United States over a vendor based or products produced or manufactured outside the United States.

*b.* In the event of a tied bid between Iowa vendors, the department shall contact the Iowa Employer

Support of the Guard and Reserve (ESGR) committee for confirmation and verification as to whether

the vendors have complied with ESGR standards. Preference, in the case of a tied bid, shall be given to

Iowa vendors complying with ESGR standards.

**117.6(5)** *Recycled product and content.* The department and agencies shall make every effort to

protect Iowa’s environment in the procurement of goods. Recycled goods and goods that include

recycled content shall be acquired when those goods are available and comparable in quality,

performance, and price and there are not other mitigating factors. As required by Executive Order Number 56, the department and agencies shall whenever possible procure durable items that are readily recyclable when discarded, have minimal packaging, and are less toxic.

**73.6 Iowa coal.**

It shall be unlawful for any commission, board, county officer or other governing body of the state, or of any county, township, school district or city, to purchase or use any coal, except that mined or produced within the state by producers who are, at the time such coal is purchased and produced, complying with all the workers’ compensation and mining laws of the state. The provisions of this section shall not be applicable if coal produced within the state cannot be procured of a quantity or quality reasonably suited to the needs of such purchaser, nor if the equipment now installed is not reasonably adapted to the use of coal produced within the state, nor if the use of coal produced within the state would materially lessen the efficiency or increase the cost of operating such purchaser’s heating or power plant, nor to mines employing miners not now under the provisions of the workers’ compensation Act or who permit the miners to work in individual units in their own rooms.