**A** **BILL**

TO AMEND ARTICLE 9, CHAPTER 35, TITLE 11 OF THE 1976 CODE, RELATING TO THE STATE PROCUREMENT CODE, BY ADDING A SUBARTICLE TO PROVIDE THAT PIPING MATERIAL PROCUREMENTS FOR CERTAIN PROJECTS CONSIDER PIPING MATERIAL THAT MEETS CERTAIN CURRENT AND RECOGNIZED STANDARDS, AND THAT THE PROCUREMENT PROCESS FOR THESE MATERIALS PROVIDES MAXIMUM OPEN AND FREE COMPETITION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 9, Chapter 35, Title 11 of the 1976 Code is amended by adding:

“Subarticle 6

Acceptable Piping Material

Section 11‑35‑3260. For the purposes of this subarticle:

(1) ‘Governmental agency’ refers to any state agency, state district, county government, municipality, and including a school district, public district, county board of education, joint powers authority, water or sewer district, special purpose district, or any other public or municipal corporation.

(2) ‘Acceptable Piping Material’ refers to piping material that meets current and recognized standards as issued by the American Society for Testing and Materials and the American Water Works Association, or their successor organizations.

Section 11‑35‑3261. (A) A government agency procuring materials for a water supply, wastewater, stormwater, or storm drainage project shall engage in open, competitive bidding to study, plan, design, construct, develop, finance, maintain, rebuild, improve, repair, or operate the water, wastewater, stormwater, and storm drainage utilities.

(B) All procurement transactions for piping materials shall be conducted in a manner that provides for maximum open and free competition.

(C) The specifications for a public works project must provide that acceptable piping materials may be acquired for and used in the public works project.

(D) Procurement procedures shall not restrict or eliminate competition.

(E) The governmental agency shall consider acceptable piping material to be suitable for the project only if the use of that material is commensurate with sound engineering practices and project requirements.”

SECTION 2. This act takes effect upon approval by the Governor.

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