Alabama

Act 2021-296, referenced above, is based upon portions of the American Bar Association’s Model Procurement Act.

Alaska

The Alaska State Procurement Code, originally adopted in 1988, is closely modeled after the American Bar Association’s (ABA) initial version of the Model Procurement Code for State and Local Government.

Arizona

The Arizona Administrative Procedures Act (AAPA), originally adopted in 1984, is closely modeled after the American Bar Association's (ABA) initial version of the Model Procurement Code for State and Local Government. In 2000, the ABA updated the Model Code. Arizona has partially adopted the amendments. Ariz. Rev. Stat. Ann. §§ 41-2501 et seq.

Arkansas

The Arkansas Procurement Code is closely modeled after the American Bar Association's (“ABA”) initial version of the Model Procurement Code for State and Local Government.

California

California has not adopted the ABA Model Procurement Code. *See* National Association of State Procurement Officials (NASPO) 2020 Survey of State Procurement Practices.

Colorado

Colorado adopted the ABA Model Procurement Code in 1982 and has made State specific changes to it since.

Connecticut

The State of Connecticut does model the ABA Model Procurement Code, but has not adopted it.

Delaware

Delaware has not adopted the Model Procurement Code.

District of Columbia

The PPRA follows the ABA Model Procurement Code (“MPC”) in many respects, and often copies the language of sections of the MPC verbatim. In particular, the PPRA is identical, or substantively similar, to the following MPC Articles:

Article 1—General Provisions. *See* D.C. Code §§ 2-351.01 to 2-351.04

Article 2—Procurement Organization. *See* D.C. Code § 2-352.01

Article 3—Source Selection and Contract Formation. *See* D.C. Code §§ 2-354.01 to 2-364.20 and 2-355.01 to 2-355.04

Article 5—Procurement of Infrastructure Facilities and Services. *See* D.C. Code §§ 2-356.01 to 2-356.04 and 2-357.01 to 2-357.06

Article 8—Supply Management. *See* D.C. Code §§ 2-358.01 to 2-358.03

Article 9—Legal and Contractual Remedies. *See* D.C. Code §§ 2-359.02 to 2-359.09 and 2-360.01 to 2-36.0.08

Article 10—Cooperative Purchasing. *See* D.C. Code §§ 2-354.11

Florida

Florida is not a Model Procurement Code state. Florida first adopted procurement statutes in 1969 governing state agency procurements and they have been amended numerous times since.

Georgia

Georgia reports that it has partially adopted the Model Procurement Code (“MPC”). *See* 2015 Survey of State Procurement Practices, compiled by NASPO (National Association of State Procurement Officials). Georgia’s procurement rules and regulations generally and loosely follow the outline of the MPC in that Georgia has a centralized procurement authority, has similar source selection methods, and provides for a two-step protest process. However, it does not appear to have wholesale adopted any of the provisions of the MPC.

Hawaii

As mentioned previously, Hawai‘i’s procurement laws are based upon the 1979 ABA Model Code. In 1992, the State Auditor was tasked with undertaking a study to recommend changes to the procurement code and subsequently suggested Hawai’i enact revisions consistent with the 1979 Model Code. As a result, §103D was enacted in 1993 with some, but not all, of the MPC’s innovations and continues to be revised as needed, with the MPC as a guide. 1993 Haw. Spec. Sess. Laws Act 8, at 37-82.

Idaho

The Idaho Code governing the Division of Purchasing was originally added in 1974. Idaho has partially adopted or partially complies with the American Bar Association's (ABA) Model Procurement Code for State and Local Government.

Illinois

The Illinois Procurement Code, originally adopted in 1998, is not modeled after the American Bar Association’s (ABA) initial version of the Model Procurement Code for State and Local Government.

Indiana

Indiana adopted state procurement laws closely modeled after the American Bar Association’s (ABA) Model Procurement Code for State and Local Government in 1982 in Title 4. In 1998, Indiana moved their procurement law to Title 5, Chapter 22. IC § 5-22. Since then, however, there is reason to believe that Indiana has stepped back from fully adopting the Model Procurement Code.

Iowa

Iowa has not adopted the ABA Model Procurement Code.

Kansas

Kansas has not adopted the 1979 or 2000 version of the American Bar Association’s Model Procurement Code.

Kentucky

As noted above, Kentucky was the first state to adopt the ABA Model Procurement Code for State and Local Government in 1978. Since then, the Kentucky legislature has regularly amended the Kentucky Procurement Code so that it is consistent with the ABA Model Procurement Code.

Louisiana

The Louisiana Procurement Code, originally adopted in 1980, is closely modeled after the American Bar Association’s initial version of the Model Procurement Code for State and Local Government.

Maine

Maine has not adopted the Model Procurement Code (“MPC”). National Association of State Procurement Officials (NASPO), 2020 Survey of State Procurement Practices, *available at* <https://www.naspo.org/research-innovation/publications/survey-state-procurement-practices/>.

Maryland

The Maryland procurement regulations generally reflect the Model Procurement Code, which in turn, corresponds loosely to federal procurement.

Massachusetts

In 1990, Massachusetts adapted the ABA Model Procurement Code to reflect Massachusetts practice and case law. *See* Procurement Manual, Ch. 1.

Michigan

Michigan is not a Model Procurement Code state. Michigan law governing the procurement of government contracts is located in several different chapters of the Michigan Compiled Laws, and depends on whether the DTMB has delegated its procurement authority for certain purchases to a particular state agency.

Minnesota

As of 2021, Minnesota has not adopted the Model Procurement Code and no express efforts to do so have been made by the state legislature.

Mississippi

Mississippi has not adopted the ABA Model Procurement Code.

Missouri

Missouri has not adopted the American Bar Association’s Model Procurement Act.

Montana

The Montana Procurement Act resides in Title 18 Chapter 4. Montana has not adopted the ABA Model Procurement Code. However, in those rules and administrative procedures that Montana has adopted, they are generally similar in nature and requirements to those of the ABA Model Procurement Code.

Nebraska

Nebraska has not adopted or applied the ABA Model Procurement Code.

Nevada

Nevada has not adopted the American Bar Association’s Model Procurement Code for State and Local Government.

New Hampshire

New Hampshire has partially adopted the ABA Model Procurement Code. *See* the New Hampshire survey response to the National Association of State Procurement Officials (NASPO) 2018 Survey of Statement Procurement Practices.

New Jersey

New Jersey’s statutory and regulatory scheme does not follow the ABA Model Procurement Code.

New Mexico

New Mexico largely adopted the ABA Model Procurement Code in 1984. Since that time, the State has added design-build and construction management project delivery methods, but has not adopted other infrastructure delivery methods. It has also placed additional restrictions on the use of sole source and emergency procurements. The State requires State agencies and local public bodies to name chief procurement officers and recently established certification requirements for chief procurement officers.

New York

New York reports that it has partially adopted the ABA Model Procurement Code (“MPC”). *See* 2015 Survey of State Procurement Practices, compiled by NASPO (National Association of State Procurement Officials).

North Carolina

North Carolina has not formally adopted the ABA Model Procurement Code. However, elements of the Model Procurement Code appear in the General Statutes and accompanying regulations, and partial adoption of the Model Procurement Code is suggested by State procurement officials in their responses to the 2020 Survey of State Procurement Practices published by the National Association of State Procurement Officials (“NASPO”). On July 16, 2014, the Secretary of Administration issued a detailed report, after consulting with the University of North Carolina School of Government, examining “the feasibility of adopting provisions of the ABA Model Procurement Code.” *See* N.C. Gen. Stat. § 143-49(16). While the work concluded that “no compelling reason exists to replace the existing law with the Model Code,” the report included several recommendations based on the Model Code that would better clarify the procurement process and the responsibilities of personnel and agencies involved in the procurement process. *Id*. at 1. The report also includes a detailed “cross-walk” comparing the Model Code with then-current North Carolina Procurement Requirements. *Id.* at pp. 9-19.

North Dakota

North Dakota is not a Model Procurement Code state.

Ohio

There is no evidence to confirm that Ohio has adopted the ABA Model Procurement Code.

Oklahoma

The State of Oklahoma has not adopted the ABA Model Procurement Code formally. While the State of Oklahoma has not enacted the ABA Model Procurement Code, Oklahoma has enacted several provisions, in both statute and rule, that are comparable to provisions found in the ABA Model Procurement Code.

Oregon

Oregon’s Public Contracting Code was substantially amended in 2003 to closely model the American Bar Association’s (“ABA”) 2000 update of the Model Procurement Code for State and Local Government.

Pennsylvania

Pennsylvania self-reports that it has completely adopted the Model Procurement Code. *See* 2014 Survey of State Procurement Practices, compiled by the National Association of State Procurement Officials.

Puerto Rico

The AGS Act, the Anticorruption Code and the Preference Act adopt many of the provisions included in the ABA Model Procurement Code.

Rhode Island

Rhode Island has partially adopted the Model Procurement Code (“MPC”). National Association of State Procurement Officials (NASPO), 2020 Survey of State Procurement Practices, *available at* https://www.naspo.org/research-innovation/publications/survey-state-procurement-practices/. For example, consistent with the MPC, Rhode Island centralizes its procurement offices. *Id.* Like the MPC, Rhode Island allows single-source bidding and informal competition ($5,000 or less). *Id.* The formal request for proposal process is triggered at $5,000. *Id.* The state has also started using an eProcurement system—Ocean State Procures—to promote statewide procurements and transparency through open and equal access to procurement opportunities. *Id.* In contrast to the MPC, the state does not have steps for review, approval, and pre-audit (by someone outside the central office). *Id.* Rhode Island does allow vendors to protest procurement decisions and file lawsuits. *Id*. Rhode Island also has permitted reverse auctions for solicitation. *See* R.I. Gen. Laws § 37-2-18.1.

South Carolina

The South Carolina Consolidated Procurement Code, originally adopted in 1981, is closely modeled after the American Bar Association's (ABA) initial version of the Model Procurement Code for State and Local Government. In 2000, the ABA updated the Model Code. South Carolina adopted the construction-related amendments in 2008. Act 174, 2008 S.C. Acts 1524, 1526.

South Dakota

South Dakota is not a Model Procurement Code state. South Dakota law governing the procurement of government contracts is located in several different chapters of the South Dakota Codified Laws, and the OPM establishes statewide contracts for goods and authorizes small purchases and equipment leases by state agencies and institutions in compliance with state law.

Tennessee

Tennessee has not adopted the ABA Model Procurement Code in whole or in part.

Texas

Utah

The Utah Procurement Code is at Chapter 6a of Title 63G of the Utah Code and is loosely based on the ABA Model Procurement Code (2000). However, Utah has omitted large portions of the Model Procurement Code, revised the language, and reorganized those parts of the Model Procurement Code that Utah has adopted.

Vermont

Vermont has not adopted the ABA Model Procurement Code for State and Local Government. As demonstrated above, government contracting in Vermont follows a relatively simplified regime, which affords discretion and flexibility to state agencies. There is no indication at the time this summary went to press that Vermont was considering the Model Procurement Code.

Virginia

The Virginia Public Procurement Act, originally adopted in 1982, is based on the American Bar Association's (ABA) 1980 version of the Model Procurement Code for State and Local Government. Virginia Procurement Law Study Advisory Committee, Office of the Secretary of Administration and Finance, Virginia Procurement Law Study Final Report 13 (1980) (“In developing the proposed legislation, the Advisory Committee relied heavily upon the Model Procurement Code published by the American Bar Association.”). Maria J. K. Everett, Special Joint General Laws Subcommittee Studying the Virginia Public Procurement Act, Overview of the Virginia Public Procurement Act 4 (2013) (“The VPPA is based on the American Bar Association’s Model Procurement Code.”).

Washington

The Washington statutory scheme does not follow the ABA Model Procurement Code.

West Virginia

The West Virginia statutory scheme does not follow the ABA Model Procurement Code.

Wisconsin

Procurement in Wisconsin is not modeled after the American Bar Association’s (ABA) initial version of the Model Procurement Code for State and Local Government.

Wyoming

The Wyoming statutory scheme does not follow the ABA Model Procurement Code.