

CS FOR HOUSE BILL NO. 288(L&C) am S(efd fld S)

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 5/9/95

Offered: 5/2/95

Sponsor(s): REPRESENTATIVE JAMES

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to procurement preferences and authorizing certain state real**
2 **property lease extensions."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 23.15.210(9) is amended to read:

5 (9) "public property" means real or personal property owned or leased
6 by the state or federal government, or an agency of the state or federal government,
7 **except for ferry terminal facilities or Alaska marine highway vessels;**

8 *** Sec. 2.** AS 36.30.170(b) is amended to read:

9 (b) The procurement officer shall award a contract based on solicited bids to
10 the lowest responsive and responsible bidder after an Alaska bidder preference of five
11 percent, an Alaska products preference as described in AS 36.30.322 - 36.30.338, and
12 a recycled products preference under AS 36.30.339 have been applied. In this
13 subsection, "Alaska bidder" means a person who

14 (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, for a period of six months immediately preceding the date of the bid, maintained a place of business within the state that offers the supplies, services, or construction of the general nature solicited by the agency and that is 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, or is a partnership 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.

* **Sec. 3.** AS 36.30.170(e) is amended to read:

(e) If a bidder qualifies under (b) of this section as an Alaska bidder, is a qualifying entity [SOLE PROPRIETORSHIP OWNED BY AN INDIVIDUAL WHO IS A PERSON WITH A DISABILITY], and is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder. This subsection does not give a bidder who would otherwise qualify for a preference under this subsection a preference over another bidder who would otherwise qualify for a preference under this subsection or (f) of this section. In this subsection, "qualifying entity" means a

(1) sole proprietorship owned by a person with a disability;

(2) partnership if each of the partners is a person with a disability;

or

(3) corporation that is wholly owned by individuals if each of the individuals is a person with a disability.

* **Sec. 4.** LEASE EXTENSIONS AUTHORIZED. (a) Notwithstanding AS 36.30, the Department of Administration, the University of Alaska, the legislature, and the court system may extend for up to a maximum extension of eight years a real property lease that is entered into under AS 36.30, including procedures and regulations adopted under AS 36.30.005(c) and 36.30.020 - 36.30.030, and that is in existence on the effective date of this section if a

1 minimum cost savings of

2 (1) 10 percent can be achieved on the rent due under the lease; or

3 (2) five percent can be achieved on the rent due under the lease and the lessor
4 agrees to make modifications of the leased real property to bring the real property into
5 compliance with the requirements of 42 U.S.C. 12101 - 12213 (Americans with Disabilities
6 Act of 1990).

7 (b) The cost savings under (a) of this section shall be calculated on the remaining term
8 of the lease and any renewals, including extensions allowed under (a) of this section.

9 (c) The Department of Administration, the University of Alaska, the Alaska Court
10 System, and the Legislative Affairs Agency shall submit an annual report to the Legislative
11 Budget and Audit Committee detailing the leases extended and the cost savings achieved
12 under (a) or (b) of this section. The first report is due August 31, 1996, and must cover fiscal
13 year 1996. Subsequent reports are due August 31 of each succeeding year, and the final
14 report is due August 31, 2000.

15 * **Sec. 5.** (a) Subsections 3(a) and (b) of this Act are repealed June 30, 2000.

16 (b) Subsection 3(c) of this Act is repealed September 1, 2000.

17 * **Sec. 6.** Sections 1 and 2 of the Act apply to bids that are submitted on or after the
18 effective date of secs. 1 and 2 of this Act.

19 * **Sec. 7.** If sec. 3 of this Act takes effect after July 1, 1995, sec. 3 of this Act is
20 retroactive to July 1, 1995.