

CS FOR HOUSE BILL NO. 24(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 4/1/09

Referred: State Affairs

Sponsor(s): REPRESENTATIVES FAIRCLOUGH, GATTO, AND LYNN, Dahlstrom, Ramras, Millett

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a public procurement preference for Alaska veterans."**

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

3 * **Section 1.** AS 36.30.170(a) is amended to read:

4 (a) Except as provided in AS 36.30.175 and (b) - (h) of this section, the
5 procurement officer shall award a contract based on the solicited bids with reasonable
6 promptness by written notice to the lowest responsible and responsive bidder whose
7 bid conforms in all material respects to the requirements and criteria set out in the
8 invitation to bid.

9 * **Sec. 2.** AS 36.30 is amended by adding a new section to read:

10 **Sec. 36.30.175. Alaska veterans' preference.** (a) Notwithstanding a provision
11 in AS 36.30.170 to the contrary, if a bidder qualifies under AS 36.30.170(b) as an
12 Alaska bidder and is a qualifying entity, a five percent bid preference shall be applied
13 to the bid price. The preference may not exceed \$5,000. In this subsection, "qualifying
14 entity" means a

15 (1) sole proprietorship owned by an Alaska veteran;

1 (2) partnership under AS 32.06 or AS 32.11 if a majority of the
2 partners are Alaska veterans;

3 (3) limited liability company organized under AS 10.50 if a majority of
4 the members are Alaska veterans; or

5 (4) corporation that is wholly owned by individuals and a majority of
6 the individuals are Alaska veterans.

7 (b) A preference under this section is in addition to any other preference for
8 which the bidder qualifies.

9 (c) To qualify for a preference under this section, a bidder must add value by
10 the bidder itself actually performing, controlling, managing, and supervising a
11 significant part of the services provided, or the bidder must have sold supplies of the
12 general nature solicited to other state agencies, governments, or the general public.

13 (d) In this section, "Alaska veteran" means an individual who is a

14 (1) resident of this state; and

15 (2) veteran; in this paragraph, "veteran" means an individual who

16 (A) served in the

17 (i) armed forces of the United States, including a reserve unit
18 of the United States armed forces; or

19 (ii) Alaska Territorial Guard, the Alaska Army National
20 Guard, the Alaska Air National Guard, or the Alaska Naval Militia; and

21 (B) was separated from service under a condition that was not
22 dishonorable.

23 * **Sec. 3.** AS 36.30.250(b) is amended to read:

24 (b) In determining whether a proposal is advantageous to the state, the
25 procurement officer shall take into account, in accordance with regulations of the
26 commissioner, whether the offeror qualifies as an Alaska bidder under
27 AS 36.30.170(b), is offering the service of an employment program, or qualifies for a
28 preference under AS 36.30.170(e) or (f) **or 36.30.175.**

29 * **Sec. 4.** AS 36.30.335 is amended to read:

30 **Sec. 36.30.335. Relationship to other product preferences.** This chapter
31 does not modify AS 36.15.010 and 36.15.020 regarding preference for Alaska forest
32 products, or AS 36.15.050 and 36.15.060 regarding preference for Alaska agricultural

1 and fisheries products, except as provided in AS 36.30.170(b), (c), (e) - (h), **36.30.175,**
2 and 36.30.337.