

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Amended: 5/6/95

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; and providing for an effective date."**

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

4 *** Section 1.** AS 36.30.170(b) is amended to read:

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

10 (1) holds a current Alaska business license;

11 (2) submits a bid for goods, services, or construction under the name
12 as appearing on the person's current Alaska business license;

13 (3) has, **for a period of six months immediately preceding the date**
14 **of the bid,** maintained a place of business within the state **that offers the supplies,**

1 services, or construction of the general nature solicited by the agency and that is
2 staffed by the bidder or an employee of the bidder [FOR A PERIOD OF SIX
3 MONTHS IMMEDIATELY PRECEDING THE DATE OF THE BID];

4 (4) is incorporated or qualified to do business under the laws of the
5 state, is a sole proprietorship and the proprietor is a resident of the state, or is a
6 partnership and all partners are residents of the state; and

7 (5) if a joint venture, is composed entirely of ventures that qualify
8 under (1) - (4) of this subsection.

9 * **Sec. 2.** AS 36.30.170(e) is amended to read:

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

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

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

20 **or**

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

23 * **Sec. 3.** LEASE EXTENSIONS AUTHORIZED. (a) Notwithstanding AS 36.30, the
24 Department of Administration, the University of Alaska, the legislature, and the court system
25 may extend for up to a maximum extension of eight years a real property lease that is entered
26 into under AS 36.30, including procedures and regulations adopted under AS 36.30.005(c) and
27 36.30.020 - 36.30.030, and that is in existence on the effective date of this section if a
28 minimum cost savings of

29 (1) 10 percent can be achieved on the rent due under the lease; or

30 (2) five percent can be achieved on the rent due under the lease and the lessor
31 agrees to make modifications of the leased real property to bring the real property into

1 compliance with the requirements of 42 U.S.C. 12101 - 12213 (Americans with Disabilities
2 Act of 1990).

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

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

11 * **Sec. 4.** (a) Subsections 3(a) and (b) of this Act are repealed June 30, 2000.

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

13 * **Sec. 5.** Sections 1 and 2 of the Act apply to bids that are submitted on or after the
14 effective date of secs. 1 and 2 of this Act.

15 * **Sec. 6.** If sec. 3 of this Act takes effect after July 1, 1995, sec. 3 of this Act is
16 retroactive to July 1, 1995.

17 * **Sec. 7.** Sections 3 and 6 of this Act take effect immediately under AS 01.10.070(c).