

SENATE BILL NO. 220

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/24/00

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act clarifying the requirements for limited liability companies and
2 partnerships to qualify for the Alaska bidder's and disability preferences under
3 the State Procurement Code; and providing for an effective date."

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

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

6 (b) The procurement officer shall award a contract based on solicited bids to
7 the lowest responsive and responsible bidder after an Alaska bidder preference of five
8 percent, an Alaska products preference as described in AS 36.30.322 - 36.30.338, and
9 a recycled products preference under AS 36.30.337 have been applied. In this
10 subsection, "Alaska bidder" means a person who

11 (1) holds a current Alaska business license;

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

14 (3) has maintained a place of business within the state staffed by the

1 bidder or an employee of the bidder for a period of six months immediately preceding
2 the date of the bid;

3 (4) is incorporated or qualified to do business under the laws of the
4 state, is a sole proprietorship and the proprietor is a resident of the state, **is a limited**
5 **liability company organized under AS 10.50 and all managing directors are**
6 **residents of the state,** or is a partnership **under AS 32.05 or AS 32.11** and all
7 partners are residents of the state; and

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

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

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

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

19 (2) partnership **under AS 32.05 or AS 32.11** if each of the partners is
20 a person with a disability; [OR]

21 (3) **limited liability company organized under AS 10.50 if each of**
22 **the managing directors is a person with a disability; or**

23 (4) corporation that is wholly owned by individuals and each of the
24 individuals is a person with a disability.

25 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).