

**HOUSE BILL NO. 314**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**Introduced: 1/24/00**

**Referred: Labor and Commerce, Judiciary**

**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).