

SENATE BILL NO. 274

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/15/08

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a public procurement preference for Alaska veterans with service-**
2 **related disabilities."**

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

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

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

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

10 (c) Except as otherwise provided under (e), (f), or (l) [(e) OR (f)] of this
11 section, if a bidder qualifies under (b) of this section as an Alaska bidder, is offering
12 services through an employment program, and is the lowest responsible and
13 responsive bidder with a bid that is not more than 15 percent higher than the lowest
14 bid, the procurement officer shall award the contract to that bidder. This subsection

1 does not give a bidder who would otherwise qualify for a preference under this
 2 subsection a preference over another bidder who would otherwise qualify for a
 3 preference under this subsection.

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

5 (g) The division of vocational rehabilitation in the Department of Labor and
 6 Workforce Development shall add to its current list of qualified employment programs
 7 a list of individuals who qualify as persons with a disability under (e) of this section,
 8 [AND] of persons who qualify under (f) of this section as employers with 50 percent
 9 or more of their employees being persons with disabilities, **and of persons who**
 10 **qualify under (l) of this section as Alaska veterans with service-related**
 11 **disabilities.** A person must be on this list at the time the bid is opened in order to
 12 qualify for a preference under **(e), (f), or (l)** [(e) OR (f)] of this section.

13 * **Sec. 4.** AS 36.30.170(h) is amended to read:

14 (h) A preference under **(c), (e), (f), or (l)** [(c), (e), OR (f)] of this section is in
 15 addition to any other preference for which the bidder qualifies, including the
 16 preference under (b) of this section; however, a bidder may not receive a preference
 17 under both (c) and (e), (c) and (f), **(c) and (l),** [OR] (e) and (f), **(e) and (l), or (f) and**
 18 **(l)** of this section for the same contract.

19 * **Sec. 5.** AS 36.30.170(j) is amended to read:

20 (j) In order to qualify for a preference under **(c), (e), (f), or (l)** [(c), (e), OR (f)]
 21 of this section, a bidder must add value by actually performing, controlling, managing,
 22 and supervising the services provided, or a bidder must have sold supplies of the
 23 general nature solicited to other state agencies, governments, or the general public.

24 * **Sec. 6.** AS 36.30.170(k) is amended to read

25 (k) In this section,

26 **(1) "Alaska veteran with a service-related disability" means an**
 27 **individual who is**

28 **(A) a resident of this state;**

29 **(B) a veteran; in this subparagraph, "veteran" means an**
 30 **individual who served in the active service of the armed forces of the**
 31 **United States and who was separated from the armed forces under a**

1 **condition that was not dishonorable; and**

2 **(C) a person with a disability if the disability is a service-**
 3 **related disability;**

4 **(2)** "person with a disability" means an individual

5 **(A)** [(1)] who has a severe physical or mental disability that
 6 seriously limits one or more functional capacities in terms of employability; in
 7 this **subparagraph** [PARAGRAPH], "functional capacities" means mobility,
 8 communication, self-care, self-direction, interpersonal skills, work tolerance,
 9 or work skills;

10 **(B)** [(2)] whose physical or mental disability

11 **(i)** [(A)] results from amputation, arthritis, autism,
 12 blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness,
 13 head injury, heart disease, hemiplegia, hemophilia, respiratory or
 14 pulmonary dysfunction, mental retardation, mental illness, multiple
 15 sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological
 16 disorders, paraplegia, quadriplegia, other spinal cord conditions, sickle
 17 cell anemia, specific learning disability, or end stage renal disease; in
 18 this **sub-subparagraph** [SUBPARAGRAPH], "neurological disorders"
 19 include stroke and epilepsy; or

20 **(ii)** [(B)] is a disability or combination of disabilities
 21 that are not identified in **(i)** [(A)] of this **subparagraph**
 22 [PARAGRAPH] and that are determined on the basis of an evaluation
 23 of rehabilitation potential to cause substantial functional limitation
 24 comparable to a disability identified in **(i)** [(A)] of this **subparagraph**
 25 [PARAGRAPH]; and

26 **(C)** [(3)] whose vocational rehabilitation can be expected to
 27 require multiple vocational rehabilitation services over an extended period of
 28 time;

29 **(3) "service-related disability" means a disability that**

30 **(A) was incurred in the line of duty while in the active**
 31 **service of the armed forces of the United States; and**

1 **(B) is registered as a service-related disability with the**
 2 **United States Department of Veterans Affairs.**

3 * **Sec. 7.** AS 36.30.170 is amended by adding a new subsection to read:

4 (l) If a bidder qualifies under (b) of this section as an Alaska bidder, is a
 5 qualifying entity, and is the lowest responsible and responsive bidder with a bid that is
 6 not more than 10 percent higher than the lowest bid, the procurement officer shall
 7 award the contract to that bidder. In this subsection, "qualifying entity" means a

8 (1) sole proprietorship owned by an Alaska veteran with a service-
 9 related disability;

10 (2) partnership under AS 32.06 or AS 32.11 if each of the partners is
 11 an Alaska veteran with a service-related disability;

12 (3) limited liability company organized under AS 10.50 if each of the
 13 members is an Alaska veteran with a service-related disability; or

14 (4) corporation that is wholly owned by individuals and each of the
 15 individuals is an Alaska veteran with a service-related disability.

16 * **Sec. 8.** AS 36.30.250(b) is amended to read:

17 (b) In determining whether a proposal is advantageous to the state, the
 18 procurement officer shall take into account, in accordance with regulations of the
 19 commissioner, whether the offeror qualifies as an Alaska bidder under
 20 AS 36.30.170(b), is offering the service of an employment program, or qualifies for a
 21 preference under **AS 36.30.170(e), (f), or (l)** [AS 36.30.170(e) OR (f)].

22 * **Sec. 9.** AS 36.30.335 is amended to read:

23 **Sec. 36.30.335. Relationship to other product preferences.** This chapter
 24 does not modify AS 36.15.010 and 36.15.020 regarding preference for Alaska forest
 25 products, or AS 36.15.050 and 36.15.060 regarding preference for Alaska agricultural
 26 and fisheries products, except as provided in **AS 36.30.170(b), (c), (e) - (h), (l) and**
 27 **36.30.337** [AS 36.30.170(b), (c), (e) - (h), AND 36.30.337].