

HOUSE BILL NO. 24

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES FAIRCLOUGH, GATTO, AND LYNN, Dahlstrom

Introduced: 1/20/09

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

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, is a qualifying entity, is on the register established under (d) of this
13 section, and is the lowest responsible and responsive bidder with a bid that is not more
14 than 10 percent higher than the lowest bid, the procurement officer shall award the
15 contract to that bidder. In this subsection, "qualifying entity" means a

- 1 (1) sole proprietorship owned by an Alaska veteran;
- 2 (2) partnership under AS 32.06 or AS 32.11 if a majority of the
3 partners are Alaska veterans;
- 4 (3) limited liability company organized under AS 10.50 if a majority of
5 the members are Alaska veterans; or
- 6 (4) corporation that is wholly owned by individuals and a majority of
7 the individuals are Alaska veterans.

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

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

14 (d) The department shall establish a register of individuals who qualify under
15 this section as Alaska veterans.

16 (e) In this section, "Alaska veteran" means an individual who is a

17 (1) resident of this state; and

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

19 (A) served in the

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

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

24 (B) was separated from service under a condition that was not
25 dishonorable.

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

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

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

1 **Sec. 36.30.335. Relationship to other product preferences.** This chapter
2 does not modify AS 36.15.010 and 36.15.020 regarding preference for Alaska forest
3 products, or AS 36.15.050 and 36.15.060 regarding preference for Alaska agricultural
4 and fisheries products, except as provided in AS 36.30.170(b), (c), (e) - (h), **36.30.175,**
5 and 36.30.337.