

Original sponsor: Bradley

Offered: 4/3/79

1 IN THE SENATE

BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 114 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to competitive bidding under the Fis-  
7 cal Procedures Act; and providing for an effective  
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 37.05.230(1) is amended to read:

11 (1) a contract for construction and repairs, or a purchase of  
12 and contract for supplies, materials, equipment, and contractual  
13 services must be based on competitive bids; an award shall be made to  
14 the lowest responsible bidder after advertising for bids, except that

15 (A) (repealed)

16 (B) [A BID SHALL BE AWARDED TO AN ALASKA BIDDER IF HIS  
17 BID IS NOT MORE THAN FIVE PER CENT HIGHER THAN THE LOWEST NONRESI-  
18 DENT BIDDER'S; AND]

19 (C) competitive bids need not be required

20 (1) for contractual services where no competition  
21 exists;

22 (ii) [FOR SALES INVOLVING FAIR TRADE ITEMS;]

23 (iii) in a declared emergency when [, IN THE JUDGMENT  
24 OF THE PURCHASING AGENT,] food, clothing, or medical supplies,  
25 or materials for use in laboratory and experimental studies  
26 may be purchased otherwise to the best advantage of the state;

27 (iv) where rates are fixed by law or ordinance;

28 (v) for items traded in on like items; or

29 (vi) for professional services;

1 \* Sec. 2. AS 37.05.230(2) is amended to read:

2 (2) if the amount of the contractual services, purchase, or  
3 sale is estimated to exceed \$2,500 sealed bids shall be solicited, when  
4 practicable, by publication in a newspaper calculated to reach pro-  
5 spective bidders and by posting notices in public places within the area  
6 where the work is to be performed or material furnished and in addition  
7 the department may also designate a trade journal for publication; the  
8 department shall also solicit bids by sending notices by mail to all  
9 [ACTIVE PROSPECTIVE] bidders on the certified Alaska bidders list;  
10 [KNOWN TO IT AND] all bids shall be sealed when received, and shall be  
11 opened in public at the hour stated in the notice; the department may  
12 negotiate directly if it finds that it is in the best interest of the  
13 state;

14 \* Sec. 3. AS 37.05.230(5) is amended by adding new subparagraphs to read:

15 (D) has no delinquent state taxes;

16 (E) is a resident of the state, or, if the bidder is a  
17 partnership, corporation, or other association, the majority of the  
18 persons employed in the bidder's Alaska office are residents of the  
19 state;

20 \* Sec. 4. AS 37.05.230 is amended by adding new paragraphs to read:

21 (9) the Department of Administration shall compile and update  
22 annually a "certified Alaska bidders list" containing the names of  
23 bidders certified to be Alaska bidders who maintain inventories in the  
24 state;

25 (10) each proposed contract for or purchase of supplies,  
26 materials, or equipment shall provide for an award of not less than 40  
27 per cent of the total value of the purchase to the lowest responsible  
28 Alaska bidder who maintains no offices outside the state and who had for  
29 the previous year gross business receipts not in excess of \$1,000,000.

1 \* Sec. 5. AS 37.05.320 is amended by adding a new paragraph to read:

2 (5) "declared emergency" means a situation declared by the  
3 governor to be an immediate threat to the public peace, safety, health,  
4 or the general welfare.

5 \* Sec. 6. AS 45 is amended by adding a new chapter to read:

6 CHAPTER 67. IDENTIFICATION OF ALASKA MANUFACTURED GOODS.

7 Sec. 45.67.010. DESIGN OF IDENTIFICATION SEAL. After holding a  
8 public hearing to obtain manufactures' advice on the design of a seal to  
9 identify goods manufactured in the state, the commissioner shall design  
10 the seal. The seal shall bear an appropriate logo and the words  
11 "Manufactured in Alaska".

12 Sec. 45.67.020. PERMIT TO USE IDENTIFICATION SEALS. A person who  
13 produces goods manufactured in the state may apply to the commissioner  
14 for a permit to purchase identification seals to be attached to those  
15 goods. The commissioner shall investigate the applicant to determine  
16 his eligibility for the permit. A permit shall be issued free of charge  
17 to a qualified applicant. The commissioner shall prescribe the form of  
18 the application and permit, the period for which the permit is valid,  
19 and the procedure for renewal of the permit.

20 Sec. 45.67.030. PENALTIES. (a) A person who knowingly attaches  
21 an identification seal to an article, knowing that the article is not a  
22 good manufactured in the state, is guilty of a misdemeanor, and upon  
23 conviction is punishable by a fine of not more than \$1,000, or by impri-  
24 sonment for not more than one year, or by both.

25 (b) A person who knowingly sells or offers for sale an article  
26 with an identification seal attached, knowing that the article is not a  
27 good manufactured in the state, is guilty of a misdemeanor, and upon  
28 conviction is punishable by a fine of not more than \$1,000, or by impri-  
29 sonment for not more than one year, or by both.

1 (c) A person who counterfeits an identification seal is guilty of  
2 a misdemeanor, and upon conviction is punishable by a fine of not more  
3 than \$1,000, or by imprisonment for not more than one year, or by both.

4 (d) A person who knowingly sells, or otherwise provides, identifi-  
5 cation seals to another without a permit issued under AS 45.67.020 is  
6 guilty of a misdemeanor, and upon conviction is punishable by a fine of  
7 not more than \$1,000, or by imprisonment for not more than one year, or  
8 by both.

9 (e) For the purposes of this section each article sold or identi-  
10 fication seal counterfeited, sold, or otherwise provided constitutes a  
11 separate offense.

12 Sec. 45.67.040. DEFINITIONS. In this chapter

13 (1) "commissioner" means the commissioner of commerce and  
14 economic development;

15 (2) "goods manufactured in the state" means a new, finished  
16 product for marketing to the public, which results from the transforma-  
17 tion in the state of raw materials; it does not include a finished  
18 product which results from the assembly of previously finished com-  
19 ponents parts, unless all the parts are goods manufactured in the state,  
20 or unless the finished product is assembled in its final form only in  
21 the state;

22 (3) "identification seal" means the identification seal  
23 designed under AS 45.67.010.

24 \* Sec. 7. AS 45.67.030 is amended to read:

25 Sec. 45.67.030. PENALTIES. (a) A person who knowingly attaches  
26 an identification seal to an article, knowing that the article is not a  
27 good manufactured in the state, is guilty of a class B misdemeanor [,  
28 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR  
29 BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

1 (b) A person who knowingly sells or offers for sale an article  
2 with an identification seal attached, knowing that the article is not a  
3 good manufactured in the state, is guilty of a class B misdemeanor [,  
4 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$1,000, OR  
5 BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

6 (c) A person who counterfeits an identification seal is guilty of  
7 a class B misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF  
8 NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR  
9 BY BOTH].

10 (d) A person who knowingly sells, or otherwise provides, identifi-  
11 cation seals to another without a permit issued under AS 45.67.020 is  
12 guilty of a class B misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY  
13 A FINE OF NOT MORE THAN \$1,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE  
14 YEAR, OR BY BOTH].

15 (e) For the purposes of this section each article sold or identi-  
16 fication seal counterfeited, sold, or otherwise provided constitutes a  
17 separate offense.

18 \* Sec. 8. Section 7 of this Act takes effect January 1, 1980.  
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