

Introduced: 3/18/82
Referred: State Affairs and
Finance

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE BILL NO. 865

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the award of state contracts and
7 purchases to members of minority groups."

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

9 * Section 1. AS 19.10.210 is amended to read:

10 Sec. 19.10.210. AWARD OF CONTRACTS [TO LOWEST RESPONSIBLE BID-
11 DER]. The department shall award the contract in accordance with AS 37.-
12 05.230(1) [TO THE LOWEST RESPONSIBLE BIDDER], or it may reject all bids.
13 If no satisfactory bid is received, the department may readvertise the
14 project. All awards shall be made in compliance with applicable federal
15 law and [THE] regulations [PROMULGATED THEREUNDER], with AS 19.05 -
16 AS 19.25, and with AS 37.05 [,] and the [RULES AND] regulations [WHICH
17 ARE] adopted under it [PROMULGATED THEREUNDER], where not in conflict
18 with AS 19.05 - AS 19.25.

19 * Sec. 2. AS 35.15.050 is amended to read:

20 Sec. 35.15.050. AWARD OF CONTRACTS. The department shall award
21 the contract in accordance with AS 37.05.230(1) [TO THE LOWEST RESPON-
22 SIBLE BIDDER], or it may reject all bids. If no satisfactory bid is
23 received, the department may readvertise the project. The department
24 shall make the award in compliance with applicable federal law and [THE]
25 regulations [PROMULGATED UNDER IT], with this title, and in compliance
26 with AS 37.05 [,] and the [RULES AND] regulations adopted [PROMULGATED]
27 under it, where they are not in conflict with this title and federal
28 law.

29 * Sec. 3. AS 37.05.230(1)(B) is amended to read:

1 (B) a bid shall be awarded to an Alaska bidder if his
2 bid is not more than five percent higher than the lowest nonresident
3 bidder's, unless (D) and (E) of this paragraph apply, in which case
4 the bid shall be awarded in accordance with those subparagraphs;

5 [AND]

6 * Sec. 4. AS 37.05.230(1) is amended by adding new subparagraphs to read:

7 (D) a contract shall be awarded to a bidder on the
8 certified minority bidders list if

9 (i) the bidder submits a bid for goods or services
10 under the name appearing on the bidder's current Alaska busi-
11 ness license;

12 (ii) the bid is within one-half of one percent of
13 the bid of the lowest bidder;

14 (iii) the bidder agrees to lower the bid by one-
15 half of one percent if the bid is higher than the lowest bid;
16 and

17 (iv) the bid is considered to be, by the state
18 agency for which the bid is solicited, among the three top
19 bids submitted in terms of technical competence or quality of
20 supplies, materials, or equipment;

21 (E) if two or more bidders qualify under (D) of this
22 paragraph for the award of the same contract, the contract shall be
23 awarded to the lowest of the bidders;

24 * Sec. 5. AS 37.05.230 is amended by adding new paragraphs to read:

25 (9) for the purpose of bid awards under (1)(D) of this sec-
26 tion, the Department of Administration shall compile and revise annually
27 a certified minority bidders list containing the names of persons who
28 own a business in which at least 85 percent of the business interest is
29 beneficially owned by members of minority groups or at least 50 percent

1 of its employees are members of minority groups; for the purpose of this
2 paragraph minority group members are persons who are Black, Hispanic,
3 Asian, American Indian, Eskimo, or Aleut, or female, or over 60 years of
4 age or under 22 years of age, or Vietnam veterans, defined as persons
5 who served on active duty some time during the period from August 5,
6 1964, to May 7, 1975, and who were released from the military with other
7 than a dishonorable discharge;

8 (10) the provisions of (1)(B), (D), and (E) of this section do
9 not apply to purchases and contracts involving federal money received by
10 the state if the application of a bidding preference would violate
11 federal law or program guidelines.

12 * Sec. 6. AS 37.05.240 is amended to read:

13 Sec. 37.05.240. AWARD OF CONTRACTS AND PURCHASES. Except as pro-
14 vided in AS 37.05.230, a [A] contract or purchase made by or under the
15 supervision of the department for which competitive bids are required
16 shall be awarded to the lowest responsible bidder, taking into considera-
17 tion conformity with the specifications, terms of delivery, and other
18 conditions imposed in the call for bids. Bids may be rejected, and a
19 bid shall be rejected if it contains a material alteration or erasure
20 which is not initialed by the signer of the bid. The department may
21 reject the bid of a bidder who is in arrears on taxes due the state or
22 who failed to perform on a previous contract with the state. Where
23 competitive bids are required and where all bids are rejected, new bids
24 shall be called for as in the first instance. Before the awarding of a
25 contract for a building or the making of repairs upon a building, the
26 department shall see that the bids conform with plans and specifications
27 approved by the Department of Transportation and Public Facilities. All
28 bids with the names of the bidders and the amounts of the bids, together
29 with all documents pertaining to the award of a contract, shall be made

1 a part of a file or record and retained by the department for three
2 years, unless reproduced by microfilming and these files or records are
3 open to public inspection at all reasonable times. An aggrieved bidder
4 may within five days after an award of contract appeal to the department
5 for hearing, with notice to interested parties, for redetermination and
6 final award in accordance with law.
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