

HOUSE BILL NO. 324
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ELLIS

Introduced: 5/10/91
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to state procurement preferences for persons with a disability, for persons
2 who hire persons with a disability, and for employment programs for persons with a
3 disability; 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(a) is amended to read:

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

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

11 (c) If a bidder qualifies under (b) of this section as an Alaska bidder, is offering services
12 through an employment program, and is the lowest responsible and responsive bidder with a bid
13 that is not more than 15 [10] percent higher than the lowest bid of a nonresident, the procurement
14 officer shall award the contract to that bidder.

1 * Sec. 3. AS 36.30.170 is amended by adding new subsections to read:

2 (e) If a bidder qualifies under (b) of this section as an Alaska bidder, is a person with
3 a disability, and is the lowest responsible and responsive bidder with a bid that is not more than
4 10 percent higher than the lowest bid of a nonresident, the procurement officer shall award the
5 contract to that bidder.

6 (f) If a bidder qualifies under (b) of this section as an Alaska bidder, if 50 percent or
7 more of the bidder's employees at the time the bid is submitted are persons with a disability, and
8 if the bidder is the lowest responsible and responsive bidder with a bid that is not more than 10
9 percent higher than the lowest bid of a nonresident, the procurement officer shall award the
10 contract to that bidder. The contract must contain a promise by the bidder that the percentage
11 of the bidder's employees who are persons with a disability will remain at 50 percent or more
12 during the contract term.

13 (g) In this section, "person with a disability" means a person who has a permanent
14 physical or mental impairment that substantially limits one or more major life activities; in this
15 subsection,

16 (1) "major life activities" includes caring for one's self, performing manual tasks,
17 walking, seeing, hearing, speaking, breathing, learning, and working;

18 (2) "physical or mental impairment" means a

19 (A) physiological disorder or condition, cosmetic disfigurement, or
20 anatomical loss affecting one or more of the following body systems: neurological,
21 musculoskeletal, special sense organs, respiratory including speech organs, cardiovascular,
22 reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or

23 (B) mental or psychological disorder, including mental retardation, organic
24 brain syndrome, emotional or mental illness, and specific learning disabilities.

25 * Sec. 4. AS 36.30.250(b) is amended to read:

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

30 * Sec. 5. AS 36.30.900 is amended to read:

31 Sec. 36.30.900. PRODUCT PREFERENCES. This chapter does not modify

- 1 AS 36.15.010 and 36.15.020 regarding preference for Alaska forest products, or AS 36.15.050
2 and 36.15.060 regarding preference for Alaska agricultural and fisheries products, except as
3 provided in AS 36.30.170(b), [AND] (c), (e), and (f), and 36.30.339.
- 4 * Sec. 6. This Act applies to procurements that begin on or after the effective date of this Act.
- 5 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).