

CS FOR HOUSE BILL NO. 324 (STATE AFFAIRS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/13/92
Referred: Finance

Sponsor(s): REPRESENTATIVES ELLIS, Brown

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) - (h) [(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) Except as otherwise provided under (e) or (f) of this section, if [IF] a bidder
12 qualifies under (b) of this section as an Alaska bidder, is offering services through an
13 employment program, and is the lowest responsible and responsive bidder with a bid that is not
14 more than 15 [10] percent higher than the lowest bid [OF A NONRESIDENT], the procurement

1 officer shall award the contract to that bidder. This subsection does not give a bidder who
2 would otherwise qualify for a preference under this subsection a preference over another
3 bidder who would otherwise qualify for a preference under this subsection.

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

5 (e) If a bidder qualifies under (b) of this section as an Alaska bidder, is a person with
6 a disability, and is the lowest responsible and responsive bidder with a bid that is not more than
7 10 percent higher than the lowest bid, the procurement officer shall award the contract to that
8 bidder. This subsection does not give a bidder who would otherwise qualify for a preference
9 under this subsection a preference over another bidder who would otherwise qualify for a
10 preference under this subsection or (f) of this section.

11 (f) If a bidder qualifies under (b) of this section as an Alaska bidder, if 50 percent or
12 more of the bidder's employees at the time the bid is submitted are persons with a disability, and
13 if the bidder is the lowest responsible and responsive bidder with a bid that is not more than 10
14 percent higher than the lowest bid, the procurement officer shall award the contract to that bidder.
15 The contract must contain a promise by the bidder that the percentage of the bidder's employees
16 who are persons with a disability will remain at 50 percent or more during the contract term.
17 This subsection does not give a bidder who would otherwise qualify for a preference under this
18 subsection a preference over another bidder who would otherwise qualify for a preference under
19 this subsection or (e) of this section.

20 (g) The division of vocational rehabilitation in the Department of Education shall add to
21 its current list of qualified employment programs a list of persons who qualify as persons with
22 a disability under (e) of this section and of persons who qualify under (f) of this section as
23 employers with 50 percent or more of their employees being persons with disabilities. A person
24 must be on this list at the time the bid is opened in order to qualify for a preference under (e)
25 or (f) of this section.

26 (h) A preference under (c), (e), or (f) of this section is in addition to any other preference
27 for which the bidder qualifies, including the preference under (b) of this section.

28 (i) In this section, "person with a disability" means a person who has a permanent
29 physical or mental impairment that substantially limits one or more major life activities; in this
30 subsection,

31 (1) "major life activities" includes caring for one's self, performing manual tasks,

1 walking, seeing, hearing, speaking, breathing, learning, and working;

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

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

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

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

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

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

15 Sec. 36.30.900. PRODUCT PREFERENCES. This chapter does not modify
16 AS 36.15.010 and 36.15.020 regarding preference for Alaska forest products, or AS 36.15.050
17 and 36.15.060 regarding preference for Alaska agricultural and fisheries products, except as
18 provided in AS 36.30.170(b), [AND] (c), and (e) - (h), and 36.30.339.

19 * Sec. 6. This Act applies to procurements that begin on or after the effective date of this Act.

20 * Sec. 7. This Act takes effect immediately under AS 01.10.070(c).