

SENATE CS FOR CS FOR HOUSE BILL NO. 324 (STATE AFFAIRS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 4/10/92
Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES ELLIS, Brown, Bruckman, Choquette, Koponen

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

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

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

27 (h) A preference under (c), (e), or (f) of this section is in addition to any other preference
28 for which the bidder qualifies, including the preference under (b) of this section; however, a
29 bidder may not receive a preference under both (e) and (f) of this subsection for the same
30 contract.

31 (i) In this section, "person with a disability" means an individual

1 (1) who has a severe physical or mental disability that seriously limits one or
2 more functional capacities in terms of employability; in this paragraph, "functional capacities"
3 means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or
4 work skills;

5 (2) whose physical or mental disability

6 (A) results from amputation, arthritis, autism, blindness, burn injury,
7 cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia,
8 hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness,
9 multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders,
10 paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning
11 disability, or end stage renal disease; in this subparagraph, "neurological disorders"
12 include stroke and epilepsy; or

13 (B) is a disability or combination of disabilities that are not identified in
14 (A) of this paragraph and that are determined on the basis of an evaluation of
15 rehabilitation potential to cause substantial functional limitation comparable to a disability
16 identified in (A) of this paragraph; and

17 (3) whose vocational rehabilitation can be expected to require multiple vocational
18 rehabilitation services over an extended period of time.

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

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

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

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

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

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