

ALASKA PROCUREMENT CODE

Fiscal Year End: June 30

1. **Prequalifications:** Bidder must have valid Alaska business license
 - a. **AK Statutes Sec. 36.30.110.b** → The bidder must have a valid Alaska business license at the time designated in the Invitation to Bid for bid opening. A bidder for a construction contract shall also submit evidence of the bidder's registration under AS 08.18.
2. **Auto-drop:** None.
3. **Life Cycle Costing (LCC):** Evaluations based on LCC are allowed if mentioned in the ITB.
 - a. **AK Admin. Code 2 AAC 12.180.c** → Bids may be evaluated to determine which bid offers the lowest cost to the state in accordance with the evaluation criteria set out in the invitation to bid. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible the evaluation factors must
 - i. be reasonable estimates based upon information the state has available concerning future use; and
 - ii. treat all bids equitably.
4. **Piggybacking:** Allowed.
 - a. **AK Statutes Sec. 36.30.700** → A public procurement unit may either participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of supplies, services, professional services, or construction with one or more public procurement units or external procurement activities in accordance with an agreement entered into between the participants. Cooperative purchasing may include joint or multi-party contracts between public procurement units and open-ended State public procurement units contracts that are made available to local public procurement units.
5. **Recycle Preferences:** 5% price preference for products made from recycled materials
 - a. **AK Statutes Sec. 36.30.337.a** → In the evaluation of a bid or proposal for an agency procurement of products, the agency shall decrease the bid or proposal by five percent if the bid or proposal indicates that the products being purchased will be recycled products.
 - b. **AK Statutes Sec. 36.30.337.b** → A decrease made under (a) of this section is in addition to other preferences allowed for the procurement.
 - c. **AK Statutes Sec. 36.30.337.c** → The Department shall establish the minimum percentage of recycled content that will qualify a product as a recycled product under (a) of this section.
6. **Minority/Small/Disadvantaged Business Enterprise preferences:** 10% Price preference to businesses employing or owned by person(s) with a disability.
 - a. **AK Procurement Code 36.30.17.e** → If a bidder qualifies under (b) of this section as an Alaska bidder, is a qualifying entity, and is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid, the Procurement Officer shall award the contract to that bidder. This subsection does not give a bidder who would otherwise qualify for a preference under this subsection a preference over another bidder who would otherwise qualify for a preference under this subsection or (f) of this section. In this subsection, “qualifying entity” means a

- i. (1) sole proprietorship owned by a person with a disability;
 - ii. (2) partnership if each of the partners is a person with a disability; or
 - iii. (3) corporation that is wholly owned by individuals and each of the individuals is a person with a disability
- b. **AK Procurement Code 36.30.17.f** → If a bidder qualifies under (b) of this section as an Alaska bidder, if 50 percent or more of the bidder's employees at the time the bid is submitted are persons with a disability, and if the bidder is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid, the Procurement Officer shall award the contract to that bidder. The contract must contain a promise by the bidder that the percentage of the bidder's employees who are persons with a disability will remain at 50 percent or more during the contract term. This subsection does not give a bidder who would otherwise qualify for a preference under this subsection a preference over another bidder who would otherwise qualify for a preference under this subsection or (e) of this section.
- c. **AK Procurement Code 36.30.170.g** → The division of vocational rehabilitation in the Department of Education shall add to its current list of qualified employment programs a list of individuals who qualify as persons with a disability under (e) of this section and of persons who qualify under (f) of this section as employers with 50 percent or more of their employees being persons with disabilities. A person must be on this list at the time the bid is opened in order to qualify for a preference under (e) or (f) of this section.
- d. **AK Procurement Code 36.30.170.k** → In this section, "person with a disability" means an individual
 - i. who has a severe physical or mental disability that seriously limits one or more functional capacities in terms of employability; in this paragraph, "functional capacities" means mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills;
 - ii. whose physical or mental disability
 - A. results from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders, paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, or end stage renal disease; in this subparagraph, "neurological disorders" include stroke and epilepsy; or
 - B. is a disability or combination of disabilities that are not identified in (A) of this paragraph and that are determined on the basis of an evaluation of rehabilitation potential to cause substantial functional limitation comparable to a disability identified in (A) of this paragraph; and
 - iii. (3) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time.

7. Cooperative Purchasing

National IPA

The City of Tucson, AZ has awarded a national cooperative purchasing agreement available to agencies through National Intergovernmental Purchasing Alliance (National IPA). Visit the National IPA website for state specific information

<http://www.nationalipa.org/statutes.html>

National Joint Powers Alliance (NJPA)

NJPA currently supports over 100 national contracts for products and services that are available to local governmental agencies and other not for profit entities. Additional information can be found by visiting NJPA's State Procurement Resources web site.

<http://www.njpacoop.org/national-cooperative-contract-solutions/legal-authority/>

***** Alaska Procurement Code:**

<http://www.state.ak.us/admin/dgs/cam/pdf/as3630.pdf>

*****Alaska Administrative Code:**

<http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac>