

SECTION 103

AWARD AND EXECUTION OF CONTRACT

103-1.01 CONSIDERATION OF BIDS. *Add the following:*

In determination of the low bidder for state funded projects, bidder preferences will be given as follows:

1. **ALASKA BIDDER PREFERENCE:** A 5% bidder preference will be given to Alaskan bidders as required under AS 36.30.170(b). "Alaska bidder" means a person who:
 - a. Holds a current Alaska business license;
 - b. Submits a bid for goods, services, or construction under the name as appearing on the person's current Alaska business license;
 - c. Has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the date of the bid;
 - d. Is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state or is a partnership, and all partners are residents of the state; or is a limited liability company organized under AS 10.50 and all members are residents of the state and
 - e. If a joint venture, is composed entirely of ventures that qualify under a. through d., above.
2. **ALASKA VETERAN'S PREFERENCE:** If a bidder qualifies as an Alaska bidder and is a qualifying entity, an Alaska Veteran's Preference of 5% shall be applied to the bid price. The preference may not exceed \$5,000 (AS 36.30.175). A "qualifying entity" means a:
 - a. Sole proprietorship owned by an Alaska veteran; or,
 - b. Partnership under AS 32.06 or AS 32.11 if a majority of the partners are Alaska veterans; or,
 - c. Limited liability company organized under AS 10.50 if a majority of the members are Alaska veterans; or
 - d. Corporation that is wholly owned by individuals and a majority of the individuals are Alaska veterans.

A preference under this section is in addition to any other preference for which the bidder qualifies.

To qualify for this preference, the bidder must add value by the bidder itself actually performing, controlling, managing and supervising a significant part of the services provided or the bidder must have sold supplies of the general nature solicited to other state agencies, governments, or the general public.

An Alaska veteran is a resident of Alaska who:

- (1) served in the Armed forces of the United States, including a reserve unit of the United States armed forces; or the Alaska Territorial Guard, the Alaska Army National Guard, the Alaska Air National Guard, or the Alaska Navel Militia; and
- (2) was separated from service under a condition that was not dishonorable.

The bidder shall provide an Alaska Veteran's Preference Affidavit on Form 25D-17, certifying they qualify as an Alaska bidder eligible for Alaska Veteran's preference according to AS 36.30.

3. **ALASKA PRODUCT PREFERENCE:** Except for timber, lumber and manufactured lumber products used in the construction project under AS 36.30.322(b), an Alaska products preference will be given as required under AS 36.30.326 - 36.30.332 when the bidder designates the use of Alaska products.

The bidder shall complete the Alaska Products Preference Worksheet, according to the worksheet instructions, and submit the completed worksheet with their bid.

If the successful bidder/contractor proposes to use an Alaska product and does not do so, a penalty will be assessed against the successful bidder/contractor in an amount equal to the product preference percentage granted to the successful bidder/contractor plus one percent multiplied by the total declared value of the Alaska products proposed but not used.

Each Alaska product declared on the Alaska Product Preference Worksheet must have an "Approval" date on the Alaska Product Preference Program List, that is on or before the bid opening date for this contract, and that does not expire before the bid opening date for this contract.