

HOUSE CS FOR SENATE BILL NO. 152(FIN) am H
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 5/8/01

Offered: 5/4/01

Sponsor(s): SENATOR COWDERY

REPRESENTATIVE Rokeberg

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the handling of and interest on contract controversies involving the**
2 **Department of Transportation and Public Facilities or state agencies to whom the**
3 **Department of Transportation and Public Facilities delegates the responsibility for**
4 **handling the controversies."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 36.30 is amended by adding a new section to read:

7 **Sec. 36.30.623. Interest on certain controversies.** The amount ultimately
8 determined to be due under AS 36.30.620 - 36.30.630 and 36.30.670 - 36.30.685 to a
9 department contractor, the department, or a contracting agency to whom the
10 responsibility for handling the controversy is delegated by the department under
11 AS 36.30.632 accrues interest at the rate applicable to judgments under
12 AS 09.30.070(a). Notwithstanding AS 09.30.070(b), the interest accrues from the date
13 that a complete claim is filed that meets the requirements of AS 36.30.620(a) through
14 the date of a decision by the procurement officer under AS 36.30.620, a decision by

the commissioner of transportation and public facilities under AS 36.30.680, or a judicial decision under AS 36.30.685, whichever decision is latest. In this section, "department" means the Department of Transportation and Public Facilities.

* **Sec. 2.** AS 36.30.625(a) is amended to read:

(a) An appeal from a decision of the procurement officer on a contract controversy may be filed by the contractor with the commissioner of administration [,] or, for a controversy involving a construction contract or procurement for the state equipment fleet, the commissioner of transportation and public facilities. The appeal shall be filed within 14 days after the decision is received by the contractor. **An appeal by a contractor of the Department of Transportation and Public Facilities may not raise any new factual issues or theories of recovery that were not presented to and decided by the procurement officer in the decision under AS 36.30.620(b), except that a contractor may increase the contractor's calculation of damages if the increase arises out of the same operative facts on which the original claim was based.** The contractor shall file a copy of the appeal with the procurement officer.

* **Sec. 3.** AS 36.30.625 is amended by adding a new subsection to read:

(c) The Department of Transportation and Public Facilities, or a contracting agency to whom the responsibility for handling the controversy is delegated by the Department of Transportation and Public Facilities under AS 36.30.632, shall handle the appeal of a controversy under this section expeditiously.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 36.30.623 and 36.30.625(c), added by this Act, and AS 36.30.625(a), as amended by this Act, apply to controversies for which a claim is filed with an agency under AS 36.30.620 on or after the effective date of this Act.

(b) In this section, "agency" means the Department of Transportation and Public Facilities or a state agency to whom the responsibility for handling the controversy is delegated by the Department of Transportation and Public Facilities under AS 36.30.632.