

**HOUSE BILL NO. 239**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE HOLMES

Introduced: 4/16/11

Referred: State Affairs, Labor and Commerce

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the procurement of architectural, engineering, or land surveying  
2 contracts funded by money from the state."

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

4 \* **Section 1.** AS 36.90 is amended by adding a new section to article 2 to read:

5 **Sec. 36.90.110. Procurement of architectural, engineering, or land**  
6 **surveying state-funded contracts.** (a) If a contracting person procures architectural,  
7 engineering, or land surveying services for a state-funded contract, the contracting  
8 person shall, when selecting the contractor, negotiate with the most qualified and  
9 suitable professional person of demonstrated competence to perform the services. The  
10 contracting person shall award the contract for those services at fair and reasonable  
11 compensation as determined by the contracting person after consideration of the  
12 estimated value of the services to be rendered and the scope, complexity, and  
13 professional nature of the services. When determining the most qualified and suitable  
14 professional person to be awarded the contract, the contracting person shall consider

1 the proximity to the project site of the office of the professional person unless federal  
2 law prohibits this factor from being considered in the awarding of the contract.

3 (b) If negotiations with the most qualified and suitable professional person  
4 under (a) of this section are not successful, the contracting person shall negotiate a  
5 contract with other qualified professional persons of demonstrated competence, in  
6 order of the ranking of the proposals by the contracting person.

7 (c) The contracting person may reject all or part of a proposal submitted under  
8 this section.

9 (d) This section does not apply to contracts awarded in a situation of public  
10 necessity if the contracting person certifies in writing that a situation of public  
11 necessity exists.

12 (e) Notwithstanding the other provisions of this section, a contracting person  
13 may include price as an added factor in selecting architectural, engineering, or land  
14 surveying services when, in the judgment of the contracting person, the services  
15 required are repetitious in nature, and the scope, nature, and amount of services  
16 required are thoroughly defined by measurable and objective standards to enable  
17 professional persons making proposals to compete with a clear understanding and  
18 interpretation of the services required. In order for the contracting person to include  
19 price as a factor in selection, a majority of the persons involved by the contracting  
20 person in evaluation of the proposals shall be registered in the state to perform  
21 architectural, engineering, or land surveying services.

22 (f) This section does not apply to a contract that incorporates both design  
23 services and construction.

24 (g) In this section,

25 (1) "contracting person" means a grant recipient, a municipality, and a  
26 school district that procures services for a state-funded contract; in this paragraph,  
27 "grant recipient" means a grant recipient under AS 37.05.315 - 37.05.317;

28 (2) "professional person" means a person who provides architectural,  
29 engineering, or land surveying services;

30 (3) "state-funded" means paid for entirely or partially by money  
31 received from the state government.