



LAWS OF ALASKA

1986

Source

CCS SB 204

Chapter No.

54

AN ACT

Relating to contracts for architectural, engineering, and land surveying services; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: May 29, 1986
Actual Effective Date: May 30, 1986

AN ACT

Relating to contracts for architectural, engineering, and
land surveying services; and providing for an effective date.

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

Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGIS-
TRATION REQUIREMENTS. The state or a municipality may not award a
contract for architectural, engineering, or land surveying services to

(1) an individual who is not registered under AS 08.48 to
perform the architectural, engineering, or land surveying services
required by the contract;

(2) a partnership that is not qualified under AS 08.48.251
to provide the architectural, engineering, or land surveying services
required by the contract; or

(3) a corporation that is not authorized under AS 08.48.241
to offer the architectural, engineering, or land surveying services
required by the contract.

* Sec. 2. AS 36.98.010 is amended to read:

Sec. 36.98.010. APPLICATION OF CHAPTER. Except as otherwise
provided in AS 36.98.043, this [THIS] chapter applies to contracts for
professional services provided to a state agency unless

(1) the total amount of the contract does not exceed
\$25,000;

(2) the contract is an employment contract for services to

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1 be performed under direct supervision regardless of the existence of
2 an employer-employee relationship and a written justification signed
3 by the person responsible for awarding the contract is filed with the
4 commissioner;

5 (3) the contract is awarded based on competitive bids
6 obtained under the procedure provided in AS 37.05.230.

7 * Sec. 3. AS 36.98 is amended by adding a new section to read:

8 Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING
9 CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and
10 36.98.040, a state agency shall negotiate a contract with the most
11 qualified and suitable firm or person of demonstrated competence for
12 architectural, engineering, or land surveying services. The state
13 agency shall award a contract for those services at fair and reason-
14 able compensation as determined by the state agency, after considera-
15 tion of the estimated value of the services to be rendered, and the
16 scope, complexity, and professional nature of the services. When
17 determining the most qualified and suitable firm or person, the state
18 agency shall consider the

19 (1) proximity to the project site of the office of the firm
20 or person unless federal law prohibits this factor from being con-
21 sidered in the awarding of the contract; and

22 (2) employment practices of the firm or person with regard
23 to women and minorities.

24 (b) If negotiations with the most qualified and suitable firm or
25 person under (a) of this section are not successful, the state agency
26 shall negotiate a contract with other qualified persons or firms of
27 demonstrated competence, in order of public ranking. The state agency
28 may reject all or part of a proposal.

29 (c) This section does not apply to contracts awarded in a

1 situation of public necessity if the person responsible for execution
2 of the contract on behalf of the state agency certifies in writing
3 that a situation of public necessity exists.

4 (d) Notwithstanding the other provisions of this section, a
5 state agency may include price as an added factor in selecting archi-
6 tectural, engineering, and land surveying services when, in the judg-
7 ment of the state agency, the services required are repetitious in
8 nature, and the scope, nature, and amount of services required are
9 thoroughly defined by measurable and objective standards to reasonably
0 enable firms and persons making proposals to compete with a clear
1 understanding and interpretation of the services required. In order
2 to include price as a factor in selection, a majority of the members
3 of the state agency selection committee involved in the evaluation of
4 the proposals must be persons who are registered in the state to
5 perform architectural, engineering, or land surveying services.

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

* Sec. 4. This Act applies to requests for bids or proposals for archi-
tectural, engineering, and land surveying services issued after the effec-
tive date of this Act.

* Sec. 5. This Act takes effect immediately in accordance with AS 01.-
10.070(c).