

SENATE BILL NO. 117

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/31/21

Referred: State Affairs, Transportation

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the state procurement code; establishing the construction manager**
2 **general contractor procurement method; and providing for an effective date."**

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

4 * **Section 1.** AS 36.30.200(c) is amended to read:

5 (c) When the commissioner of transportation and public facilities determines
6 that it is advantageous to the state, a procurement officer may issue a request for
7 proposals requesting the submission of offers to provide

8 **(1)** construction in accordance with a design provided by the offeror;
9 **the** [. THE] request for proposals must require that each proposal submitted contain a
10 single price that includes the design-build; **or**

11 **(2)** **preconstruction and construction services under a single**
12 **construction manager general contractor contract awarded under AS 36.30.309.**

13 * **Sec. 2.** AS 36.30.250 is amended by adding a new subsection to read:

14 (c) Notwithstanding (a) of this section, the Department of Transportation and

Public Facilities may exclude price as an evaluation factor when awarding a construction manager general contractor contract under AS 36.30.309.

* **Sec. 3.** AS 36.30 is amended by adding a new section to read:

Sec. 36.30.309. Preconstruction services; construction manager general contractor contract. (a) The Department of Transportation and Public Facilities may award a construction manager general contractor contract in which the department awards a two-phase contract for a construction manager responsible for providing preconstruction services during the design phase of the project and, if an agreed price for constructing the project is reached, general contractor services during the construction phase through the competitive sealed proposal process. The department shall award the contractor providing preconstruction services with a contract to provide construction services without any further competitive sealed bidding or competitive sealed proposal process in accordance with this section and regulations adopted by the commissioner of transportation and public facilities.

(b) A contractor awarded a construction manager general contractor contract under this section is responsible for providing preconstruction services for the applicable project. Once awarded a construction manager general contractor contract, the contractor has the right to negotiate with the Department of Transportation and Public Facilities to provide construction services for the applicable project. If the contractor and the department reach an agreed upon price for the construction project, the department shall award the contractor the contract to provide construction services.

(c) If the contractor providing preconstruction services and the Department of Transportation and Public Facilities do not agree on a price for providing construction services, the department may seek an alternative contractor using a process authorized under this chapter. The department may prohibit the contractor providing preconstruction services from participating in this subsequent process.

* **Sec. 4.** AS 36.30.990 is amended by adding a new paragraph to read:

(28) "preconstruction services" means information, research, advice, and related tasks regarding the impacts of design on the physical construction of a project; "preconstruction services" does not include architectural, engineering, or land surveying services.

1 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The Department of Transportation and Public
4 Facilities may adopt regulations necessary to implement the changes made by this Act. The
5 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
6 effective date of this Act.

7 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).