

Introduced: 3/24/75
Referred: Health, Education &
Social Services and Finance

BY THE FINANCE COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 329

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to contracts for the transportation
7 of pupils; and providing for an effective date."

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

9 * Section 1. AS 14.09 is amended by adding a new section to read:

10 Sec. 14.09.015. COMPETITIVE BIDS; AWARD OF CONTRACTS FOR TRANSPOR-
11 TATION OF PUPILS. (a) A contract for the transportation of pupils under
12 sec. 10 of this chapter, awarded either by the department or by a school
13 district, must be based on at least three competitive bids. An award
14 shall be made to the lowest responsible bidder after advertising for
15 bids, taking into consideration conformity with the specifications, terms
16 of delivery of the pupil transportation services, and other conditions
17 imposed in the call for bids. However, competitive bids need not be
18 required where no competition for the pupil transportation service con-
19 tract exists. In that instance the department or a school district may
20 negotiate directly if it finds that it is in the best interest of the
21 state or the district.

22 (b) Bids shall be solicited, when practicable, by publication in a
23 newspaper calculated to read prospective bidders and by posting notices
24 in public places within the area where the service is to be performed.
25 The department may designate a trade journal for publication. The de-
26 partment, or a school district, also shall solicit bids by sending
27 notices by mail to all active prospective bidders known to it. All bids
28 shall be sealed when received and shall be opened in public at the hour
29 stated in the notice.

1 (c) Bids may be rejected. A bid shall be rejected if

2 (1) it contains a material alteration or erasure; or

3 (2) the bidder failed to perform on a previous pupil transpor-
4 tation contract with the department or a school district.

5 (d) When competitive bids are required and if all bids are
6 rejected, new bids shall be called for as in the first instance.

7 (e) An aggrieved bidder may within five days after an award of
8 contract appeal to the department or a school district for hearing, with
9 notice to interested parties, for redetermination and final award in
10 accordance with law.

11 (f) All bids with the names of the bidders and the amounts of the
12 bids, together with all documents pertaining to the award of a contract,
13 shall be made a part of a file or record and retained by the department
14 or a school district for three years, unless reproduced by microfilming,
15 and these files or records are open to public inspection at all reason-
16 able times.

17 (g) The department shall promulgate regulations in accordance with
18 the Administrative Procedure Act (AS 44.62) to implement the provisions
19 of this section.

20 * Sec. 2. AS 37.05.230(4) is amended to read:

21 (4) The provisions of this section relative to competitive
22 bids do not apply to contracts for the operation of transportation
23 systems for students to and from the schools within the state, as are
24 authorized under AS 14.09.010 [AS 14.10.070]; however, [AND] these
25 contracts shall [MAY] be awarded by competitive bid or negotiation in
26 accordance with AS 14.09.015 and regulations promulgated by the Board
27 of Education, and, at the discretion of the board [BOARD OF EDUCATION],
28 may be awarded for periods of three years or less;

29 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

1 070(c).

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