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1 IN THE HOUSE

2 *SES CS* HOUSE BILL NO. 429 *am*

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 the public facility procurement
7 policy of the state and of political subdivisions of
8 the state; and providing for an effective date."

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

10 * Section 1. AS 35.10 is amended by adding new sections to read:

11 ARTICLE 5. PUBLIC FACILITY PROCUREMENT POLICY.

12 Sec. 35.10.160. FINDINGS AND PURPOSE. The Legislature finds that
13 since the needs of the state for physical facilities of all kinds are
14 diverse, and since the state is providing an increased portion of funding
15 for the planning, design and maintenance and operation of facility pro-
16 cured by local political subdivisions, the planning, design and construc-
17 tion of public facilities should be executed in accordance with facility
18 procurement policies developed by the Department of Public Works and
19 reviewed annually by the legislature.

20 Sec. 35.10.170. DUTIES OF DEPARTMENT. In addition to other duties
21 prescribed by statute the department shall

22 (1) develop facility procurement policies for the planning,
23 design, construction, maintenance and operation of public facilities of
24 the state and those public facilities of political subdivisions of the
25 state which are funded in whole or in part by the state;

26 (2) develop and maintain an inventory of physical facilities
27 currently owned or occupied by the state;

28 (3) make projections of future public facility needs of the
29 state, analyze facilities needed and establish methodology for program

1 planning and facilities project planning, design and construction;

2 (4) engage in experimental projects as necessary relating to
3 any available or future method of facility procurement, design or con-
4 struction and any method of improving existing design, planning and
5 construction techniques;

6 (5) develop life cycle costs of public facilities of the state
7 and those public facilities of political subdivisions of the state which
8 are funded in whole or in part by the state;

9 (6) develop life cycle costing methodologies for the following
10 special purposes:

11 (A) budget forecasting to support facility program
12 planning and analysis,

13 (B) systematic cost estimating to forecast planning,
14 design and construction,

15 (C) budget forecasting to support development of annual
16 maintenance and operating strategies and life cycle cost plans,

17 (D) alternative methods of space acquisition and space
18 equalization which will maximize the effectiveness of public funds;

19 (7) apply for and accept, on behalf of the state, grants from
20 the federal government or an agency of it or from another state founda-
21 tion, corporation, association or individual for any of the functions
22 or purposes of the department and may expend any of the money received
23 under this section, for any of the functions or purposes.

24 Sec. 35.10.180. PHYSICAL FACILITY PROCUREMENT PLANNING. (a) The
25 department shall develop and keep current by periodic revision physical
26 facility procurement planning for rural schools, public buildings, and
27 other state facilities, and shall develop regulations and guidelines for
28 the implementation of these policies.

29 (b) In developing and revising these policies the department shall

1 seek public review and evaluation by any reasonable means and shall:

2 (1) consult and cooperate with officials of the federal
3 government, local governments, other political subdivisions of the state
4 and other interested persons regarding physical facility procurement
5 planning;

6 (2) request and receive from an agency or other unit of the
7 state government or from a political subdivision of the state the assis-
8 tance and data needed to carry out the requirements of this section.

9 (c) The commissioner shall submit copies of proposed policies and
10 plans annually, within 10 days after the legislature convenes, to the
11 legislature. The legislature may approve, reject or modify the policies
12 and plans by concurrent resolution. If the legislature fails to act
13 during the legislative session the policies and plans are approved.

14 Sec. 35. 10.190. COORDINATION BY DEPARTMENT. (a) The department
15 shall coordinate the procurement of physical facilities for the state and
16 the procurement of physical facilities by political subdivisions of the
17 state to insure the greatest cost savings of planning, design and con-
18 tractual techniques.

19 (b) When the state or a political subdivision of the state deter-
20 mines that a public facility is to be constructed or renovated it shall,
21 unless exempted by regulations of the department, submit to the depart-
22 ment an application for a certificate that the proposed facility complies
23 with adopted facility procurement policies. The department may reject
24 the application but if it does so it shall state in writing the reasons
25 for the rejection. If a written statement that the application is
26 rejected does not issue within 30 days after receipt of the application
27 by the department, unless the department and the applicant have agreed
28 upon an extension of time for consideration, the certificate of
29 compliance shall not be required. Except as provided otherwise by

1 regulation or by this section no public facility may be constructed or
2 renovated by the state or a political subdivision of the state unless a
3 certificate that the facility complies with adopted facility procurement
4 has been issued.

5 Sec. 35.10.200. DEFINITIONS. In secs. 160 - 200 of this chapter,

6 (1) "life cycle costs" means analytic techniques which provide
7 data to describe the first cost of procurement of public facilities and
8 the maintenance cost, operation cost and occupancy cost of the facil-
9 ities;

10 (2) "policies" includes but is not limited to budget ac-
11 counting and cost planning techniques, facility design techniques, and
12 contractual techniques for the procurement of labor materials and
13 contractual services;

14 (3) "political subdivisions of the state" includes home rule
15 and general law municipalities of any class;

16 (4) "public facilities" does not include highways or vessels
17 of the marine highway system.

18 * Sec. 2. There is within the Department of Public Works a public facil-
19 ity procurement planning fund. The fund shall be used by the commissioner to
20 develop facility procurement planning methodologies for submission for review
21 by the legislature by January 1, 1976. The commissioner shall prepare a
22 report delineating the various procurement policies which shall govern the
23 expenditures of capital funds by the state and shall delineate the amounts
24 of pre-planning funds necessary for the implementation of these policies.

25 * Sec. 3. AS 35.05.040 is amended by adding a new paragraph to read:

26 (10) procure directly materials, labor and contractual
27 services for planning, designing and constructing public facilities of
28 the state.

29 * Sec. 4. AS 29.13.100 is amended by adding a new paragraph to read:

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(36) AS 35.10.160 - AS 35.10.200 (public facility procurement policies)

* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-070(c).