

Original sponsor: Bowman, Kelley,
McKinnon, et al

Offered: 4/23/75
Referred: Rules

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 429

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 providing for an
8 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 facilities
16 procured by local political subdivisions, the planning, design and con-
17 struction of public facilities should be executed in accordance with
18 facility procurement policies development by the Department of Public
19 Works and 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
24 which are funded in whole or in part by the state;

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

27 (3) make projections of future public facility needs of the
28 state, analyze facilities needed, and establish methodology for program
29 planning and facilities project planning, design and construction;

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

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

8 (6) develop life cycle costing methodologies for the follow-
9 ing special purposes:

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

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

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

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

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

23 Sec. 35.10.180. PHYSICAL FACILITY PROCUREMENT AND PLANNING POLICIES.

24 (a) The department shall develop and keep current by periodic revision
25 physical facility procurement and planning policies for rural schools,
26 public buildings, and other state facilities, and shall develop regula-
27 tions and guidelines for the implementation of these policies.

28 (b) In developing and revising these policies the department shall
29 seek public review and evaluation by any reasonable means and shall

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

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

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

13 Sec. 35.10.190. COORDINATION BY DEPARTMENT. (a) The department
14 shall coordinate the procurement of physical facilities for the state
15 and the procurement of physical facilities by political subdivisions
16 of the state to insure the greatest cost savings of planning, design and
17 contractual techniques.

18 (b) When the state or a political subdivision of the state deter-
19 mines that a public facility is to be constructed or renovated, it
20 shall, unless exempted by regulations of the department, submit to the
21 department an application for a certificate that the proposed facility
22 complies with adopted facility procurement policies. The department may
23 reject the application but if it does so it shall state in writing the
24 reasons for the rejection. If a written statement that the application
25 is rejected does not issue within 30 days after receipt of the applica-
26 tion by the department, unless the department and the applicant have
27 agreed upon an extension of time for consideration, the certificate of
28 compliance shall not be required. Except as provided otherwise by
29 regulation or by this section no public facility may be constructed or

1 renovated by the state or a political subdivision of the state unless a
2 certificate that the facility complies with adopted facility procurement
3 has been issued.

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

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

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

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

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

17 * Sec. 2. There is within the Department of Public Works a public facil-
18 ity procurement planning fund. The fund is a working capital reserve fund
19 and consists of money appropriated by the legislature for the purpose of
20 providing procurement planning working capital and is available on a reim-
21 bursable basis for procurement planning. The fund shall be used by the
22 commissioner to develop facility procurement planning methodologies for
23 submission for review by the legislature by January 1, 1976. The commissioner
24 shall prepare a report delineating the various procurement policies which
25 shall govern the expenditures of capital funds by the state and shall de-
26 lineate the amounts of preplanning funds necessary for the implementation of
27 these policies.

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

29 (10) procure directly materials, labor and contractual ser-

1 vices for planning, designing and constructing public facilities of the
2 state.

3 * Sec. 4. AS 29.13.100 is amended by adding a new paragraph to read:
4 (36) AS 35.10.160 - 35.10.200 (public facility procurement
5 policies)

6 * Sec. 5. AS 35.10.200(4) is amended to read:
7 (4) "public facilities" does not include highways or vessels
8 of the marine highway system or the facilities for which responsibility
9 is charged to the Department of Transportation under AS 44.42.

10 * Sec. 6. Section 5 of this Act takes effect on the effective date of
11 a version of House Bill No. 63.

12 * Sec. 7. Sections 1 - 4 of this Act take effect immediately in accor-
13 dance with AS 01.10.070(c).

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