

Original sponsor: Rules Committee

Offered: 3/23/81
Referred: Rules

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE
2 CS FOR HOUSE BILL NO. 156 (State Affairs)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to legislative contracts."

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

8 * Section 1. AS 24 is amended by adding a new chapter to read:

9 CHAPTER 23. LEGISLATIVE CONTRACT PROCEDURE.

10 Sec. 24.23.010. APPLICATION. (a) This chapter applies to
11 contracts for services to be provided to a legislative agency or
12 committee unless

13 (1) the contract amount does not exceed \$5,000;

14 (2) the contract is an employment contract for services to
15 be performed under direct supervision regardless of the existence of an
16 employer-employee relationship;

17 (3) the contract is for construction, repair, or maintenance
18 of a structure; or

19 (4) the contract is awarded based on competitive bids ob-
20 tained under the competitive bid procedure provided in AS 37.05.230.

21 (b) A legislative agency or committee may not negotiate a con-
22 tract or contracts with a person that exceed \$5,000 in a 12-month
23 period.

24 Sec. 24.23.020. REQUESTS FOR PROPOSALS. (a) A formal written
25 request for proposals soliciting an offer to perform the services
26 required under a contract must be extended to a sufficient number of
27 providers of the required services to assure that public interest in
28 competition is adequately served. Proposals from at least six firms
29 shall be solicited for contracts in excess of \$100,000 if the expertise

1 required is widely available. Proposals from at least three firms
2 shall be solicited for contracts of less than \$100,000 if the expertise
3 required is widely available. Formal advertising in a medium which
4 will reasonably bring the proposal to the attention of persons able to
5 provide the required service may be substituted for direct solicitation
6 or used jointly with direct solicitation of proposals.

7 (b) A request for proposals need not be extended if

8 (1) the contract amount does not exceed \$5,000;

9 (2) there is a single source of the expertise or knowledge
10 required or if one person or firm can clearly perform the required
11 tasks more satisfactorily because of the person's or firm's prior work;
12 however, this exemption from a request for proposals applies only when
13 a legislative committee by vote of the majority of the members of the
14 committee has approved the exemption and a written justification signed
15 by the person responsible for awarding the contract which details the
16 reasons for the exemption is filed with the Legislative Affairs Agency
17 as a public record;

18 (3) the services required may, by law or regulation, be
19 performed only by a person licensed to perform the service;

20 (4) the contract is for services provided to the office of
21 the ombudsman for an investigation under AS 24.55.100.

22 (c) A proposal should be designed to demonstrate to legislative
23 committees and staff who will review the proposal that the proposed
24 research project represents a sound approach to the investigation of an
25 important public policy question. A proposal should be self-contained
26 and written with care and thoroughness.

27 (d) Unless the contract is for services exempt under AS 24.23.010
28 or (b) of this section, a contract for

29 (1) the Legislative Affairs Agency shall be approved by the

1 Legislative Council;

2 (2) the legislative finance division or the legislative
3 audit division shall be approved by the Legislative Budget and Audit
4 Committee.

5 Sec. 24.23.030. AWARD OF CONTRACT. (a) If a contract is made by
6 a legislative committee, execution of the contract on behalf of the
7 committee must be authorized by a majority vote of the full membership
8 of the committee. The contract must be executed by the provider of the
9 service and the project director, be approved by the executive director
10 of the Legislative Affairs Agency, the director of the legislative
11 finance division or the legislative audit division, and be approved as
12 to form by the legislative legal counsel.

13 (b) A contract awarded under this section shall contain the
14 amount of the contract stated on its first page.

15 Sec. 24.23.040. FILING. A copy of each contract must be filed
16 with the Legislative Affairs Agency, the ombudsman, the legislative
17 finance division, or the legislative audit division, and is open for
18 public inspection. The request for proposals and each proposal sub-
19 mitted must be attached to the filed copy unless the contract is one in
20 which requests for proposals are not required.

21 * Sec. 2. AS 24.55 is amended by adding a new section to read:

22 Sec. 24.55.315. CONTRACT PROCEDURES. The ombudsman shall adopt
23 by regulations procedures consistent with AS 24.23 to be followed by
24 the office of the ombudsman in contracting for services.
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