

Original sponsor: Rules Committee

Offered: 1/15/82  
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 156 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to legislative contracts; and provid-  
7 ing for an effective date."

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

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

10 CHAPTER 23. LEGISLATIVE CONTRACT PROCEDURE.

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

13 (1) the total amount of a contract or contracts awarded to a  
14 person in a 12-month period does not exceed \$5,000;

15 (2) the contract is a written employment contract for ser-  
16 vices to be performed under direct supervision regardless of the exis-  
17 tence of an employer-employee relationship and a written justification  
18 signed by the person responsible for awarding the contract is filed  
19 with the Legislative Affairs Agency;

20 (3) the contract is for construction, repair, or maintenance  
21 of a structure and does not exceed \$5,000;

22 (4) the contract is awarded based on competitive bids ob-  
23 tained under the competitive bid procedure provided in AS 37.05.230; or

24 (5) the service is to be provided by an agency or department  
25 of the state government or by a municipality.

26 Sec. 24.23.020. REQUESTS FOR PROPOSALS. (a) A formal written  
27 request for proposals soliciting an offer to perform the services  
28 required under a contract must be extended to a sufficient number of  
29 providers of the required services to assure that public interest in

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

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

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

20 (2) 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 may be accepted only if it represents a sound  
23 approach to the investigation of an important legislative concern. A  
24 proposal shall be self-contained and written with care and thoroughness.

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

27 (1) the Legislative Affairs Agency shall be approved by the  
28 Legislative Council;

29 (2) the legislative finance division or the legislative

1 audit division shall be approved by the Legislative Budget and Audit  
2 Committee.

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

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

13 Sec. 24.23.035. EVALUATION. If a contract is awarded by a legis-  
14 lative committee, the committee or the project director must provide a  
15 written evaluation of the services provided under the contract before  
16 final payment may be made. The evaluation is open for public inspec-  
17 tion.

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

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

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

28 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-  
29 070(c).