

Original sponsor: Labor and Commerce  
Committee by request

Offered: 1/22/82  
Referred: Rules

1 IN THE HOUSE

BY THE LABOR AND  
COMMERCE COMMITTEE

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CS FOR HOUSE BILL NO. 612 (L&C)

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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TWELFTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to contracts for architectural, engi-  
7 neering, and land surveying services; and providing  
8 for an effective date."

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

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\* Section 1. AS 19.10.170(a) is amended to read:

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(a) Except as provided in AS 36.30.010 and AS 44.33.300, it shall  
12 be the general policy of the department to require the construction of  
13 all highways under bid contract. However, subject to the provisions of  
14 (b) of this section, when the estimated cost of a construction project  
15 is less than \$100,000 or when it appears to be in the best interests of  
16 the state, the department may perform the work notwithstanding any  
17 other provisions of law.

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\* Sec. 2. AS 35.15.010(a) is amended to read:

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(a) Except as provided in AS 36.30.010 and AS 44.33.300, it shall  
20 be the general policy of the department to require the construction of  
21 all public works under bid contract. However, when the estimated cost  
22 of a construction project is less than \$100,000, or when it appears to  
23 be in the best interests of the state, the department may perform the  
24 work, notwithstanding any other provisions of law. A complete record  
25 shall be kept by the commissioner or his designee of all transactions  
26 entered into under this section including names of employees involved  
27 in the transactions.

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\* Sec. 3. AS 36 is amended by adding a new chapter to read:

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CHAPTER 30. PROFESSIONAL SERVICE CONTRACTS.

1           Sec. 36.30.010. CONTRACTS FOR ARCHITECTURAL, ENGINEERING, AND  
2 LAND SURVEYING SERVICES. (a) The state shall select persons or firms  
3 for the performance of architectural, engineering, or land surveying  
4 services and award contracts for these services at fair and reasonable  
5 prices only on the basis of demonstrated competence and qualification  
6 for the type of professional services required.

7           (b) In awarding a contract for the services of an architect,  
8 engineer, or land surveyor registered under AS 08.48 the state shall  
9 select the person or firm best qualified to perform the desired work on  
10 the basis of demonstrated competence and professional qualifications.  
11 An attempt shall be made to negotiate a contract with the person or  
12 firm selected at a price that is fair and reasonable. Before selection  
13 and negotiation, the state may not request or consider any statement,  
14 bid or estimate of fees or charges for architectural, engineering, or  
15 land surveying services for the proposed project or request any other  
16 submission or action that would violate AS 08.48 or a regulation adopted  
17 under AS 08.48.

18           (c) Subject to the criteria in (b) of this section, a particular  
19 procedure for the selection of architects, engineers, or land surveyors  
20 or for the award of contracts is not required. The state may publicly  
21 rank proposals or offers received in response to a request for services.  
22 The state may attempt to negotiate a fair and reasonable price with the  
23 contractor best qualified to perform the desired work and to negotiate  
24 a fair and reasonable price with other contractors, in order of ranking,  
25 if negotiations with the first-ranked contractor are not successful.  
26 The state may reject all or part of a proposal.

27           (d) This section does not apply to contracts awarded in an emer-  
28 gency if the person responsible for execution of the contract on behalf  
29 of the state certifies in writing that an emergency exists.

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(e) In this section "state" includes political subdivisions of the state and agencies of the state and its political subdivisions.

\* Sec. 4. AS 36.95.010 is amended by adding a new paragraph to read:

(8) "emergency" means a condition of imminent danger to the public health, safety or welfare or a condition that requires immediate action to prevent harm to a person or property.

\* Sec. 5. AS 37.05.230 is amended by adding a new paragraph to read:

(9) requests for and acceptance of bids or other proposals for architectural, engineering, or land surveying services shall comply with AS 36.30.010.

\* Sec. 6. AS 37.05.240 is amended by adding a new subsection to read:

(b) A contract for architectural, engineering, or land surveying services shall be awarded in accordance with AS 36.30.010.

\* Sec. 7. This Act applies to requests for bids or proposals for architectural, engineering, and land surveying services issued after the effective date of this Act.

\* Sec. 8. This Act takes effect immediately in accordance with AS 01.10.070(c).