

Introduced: 2/17/83
Referred: Labor & Commerce
and Judiciary

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1 IN THE HOUSE

2

HOUSE BILL NO. 211

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to contracts for architectural,
7 engineering, and land surveying services; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 36.98 is amended by adding a new section to read:

11 Sec. 36.98.041. ARCHITECTURAL ENGINEERING AND LAND SURVEYING
12 CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.040 the
13 state shall select persons or firms for the performance of
14 architectural, engineering, or land surveying services and award
15 contracts for these services at fair and reasonable prices only on the
16 basis of demonstrated competence and qualification for the type of
17 professional services required.

18 (b) In awarding a contract for the services of an architect,
19 engineer, or land surveyor registered under AS 08.48 the state shall
20 select the person or firm best qualified to perform the desired work
21 on the basis of demonstrated competence and professional qualifica-
22 tions. An attempt shall be made to negotiate a contract with the
23 person or firm selected at a price that is fair and reasonable.
24 Before selection and negotiation, the state may not request or con-
25 sider any statement, bid or estimate of fees or charges for architec-
26 tural, engineering, or land surveying services for the proposed proj-
27 ect or request any other submission or action that would violate
28 AS 08.48 or a regulation adopted under AS 08.48.

29 (c) Subject to the criteria in (b) of this section, a particular

1 procedure for the selection of architects, engineers, or land survey-
2 ors or for the award of contracts is not required. The state may
3 publicly rank proposals or offers received in response to a request
4 for services. The state may attempt to negotiate a fair and reason-
5 able price with the contractor best qualified to perform the desired
6 work and to negotiate a fair and reasonable price with other contrac-
7 tors, in order of ranking, if negotiations with the first-ranked
8 contractor are not successful. The state may reject all or part of a
9 proposal.

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

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

15 * Sec. 2. AS 36.98.080 is amended by adding a new paragraph to read:

16 (6) "emergency" means a condition of imminent danger to the
17 public health, safety or welfare or a condition that requires immedi-
18 ate action to prevent harm to a person or property.

19 * Sec. 3. AS 37.05.240 is amended by adding a new subsection to read:

20 (c) A contract for architectural, engineering, or land surveying
21 services shall be awarded in accordance with AS 36.98.041.

22 * Sec. 4. AS 37.98.080 is amended by adding a new paragraph to read:

23 (11) requests for and acceptance of bids or other proposals
24 for architectural, engineering, or land surveying services shall
25 comply with AS 36.98.041.

26 * Sec. 5. This Act applies to requests for bids or proposals for archi-
27 tectural, engineering, and land surveying services issued after the effec-
28 tive date of this Act.

29 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-

1 10.070(c).