

Offered: 4/30/86
Referred: Rules

Original sponsors: Sturgulewski and Rodey

1 IN THE SENATE BY THE JUDICIARY COMMITTEE
2 HOUSE CS FOR CS FOR SENATE BILL NO. 204 (Judiciary)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND 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 36.90 is amended by adding a new section to read:

11 Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGIS-
12 TRATION REQUIREMENTS. The state or a municipality may not award a
13 contract for architectural, engineering, or land surveying services to
14 (1) an individual who is not registered under AS 08.48 to
15 perform the architectural, engineering, or land surveying services
16 required by the contract;

17 (2) a partnership that is not qualified under AS 08.48.251
18 to provide the architectural, engineering, or land surveying services
19 required by the contract; or

20 (3) a corporation that is not authorized under AS 08.48.241
21 to offer the architectural, engineering, or land surveying services
22 required by the contract.

23 * Sec. 2. AS 36.98.010 is amended to read:

24 Sec. 36.98.010. APPLICATION OF CHAPTER. Except as otherwise
25 provided in AS 36.98.043, this [THIS] chapter applies to contracts for
26 professional services provided to a state agency unless

27 (1) the total amount of the contract does not exceed
28 \$25,000;

29 (2) the contract is an employment contract for services to

1 be performed under direct supervision regardless of the existence of
2 an employer-employee relationship and a written justification signed
3 by the person responsible for awarding the contract is filed with the
4 commissioner;

5 (3) the contract is awarded based on competitive bids
6 obtained under the procedure provided in AS 37.05.230.

7 * Sec. 3. AS 36.98 is amended by adding a new section to read:

8 Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING
9 CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and
10 36.98.040, a state agency shall negotiate a contract with the most
11 qualified and suitable firm or person of demonstrated competence for
12 architectural, engineering, or land surveying services. The state
13 agency shall award a contract for those services at fair and reason-
14 able compensation as determined by the state agency, after considera-
15 tion of the estimated value of the services to be rendered, and the
16 scope, complexity, and professional nature of the services. When
17 determining the most qualified and suitable firm or person, the state
18 agency shall consider the

19 (1) proximity to the project site of the office of the firm
20 or person; and

21 (2) employment practices of the firm or person with regard
22 to women and minorities.

23 (b) If negotiations with the most qualified and suitable firm or
24 person under (a) of this section are not successful, the state agency
25 shall negotiate a contract with other qualified persons or firms of
26 demonstrated competence, in order of public ranking. The state agency
27 may reject all or part of a proposal.

28 (c) This section does not apply to contracts awarded in a situa-
29 tion of public necessity if the person responsible for execution of

1 the contract on behalf of the state agency certifies in writing that a
2 situation of public necessity exists.

3 (d) Notwithstanding the other provisions of this section, a
4 state agency may include price as an added factor in selecting archi-
5 tectural, engineering, and land surveying services when, in the judg-
6 ment of the state agency, the services required are repetitious in
7 nature, and the scope, nature, and amount of services required are
8 thoroughly defined by measurable and objective standards to reasonably
9 enable firms and individuals making proposals to compete with a clear
10 understanding and interpretation of the services required. In order
11 to include price as a factor in selection, a majority of the members
12 of the state agency selection committee involved in the evaluation of
13 the proposals must be persons who are registered in the state to
14 perform architectural, engineering, or land surveying services.

15 (e) The consideration of price under (d) of this section as a
16 factor in the selection of architectural, engineering, and land sur-
17 veying services may not exceed 20 percent of the scoring formula used
18 in evaluating proposals. The state agency shall base the evaluation
19 of price on a previously established schedule that objectively corre-
20 lates price with points scored.

21 (f) This section does not apply to a contract that incorporates
22 both design services and construction.

23 * Sec. 4. This Act applies to requests for bids or proposals for archi-
24 tectural, engineering, and land surveying services issued after the effec-
25 tive date of this Act.

26 * Sec. 5. This Act takes effect immediately in accordance with AS 01.--
27 10.070(c).

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