

Offered: 5/9/86

Original sponsors: Sturgulewski  
and Rodey

1 IN THE SENATE

BY THE CONFERENCE COMMITTEE

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CONFERENCE CS FOR SENATE BILL NO. 204

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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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."

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

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\* Section 1. AS 36.90 is amended by adding a new section to read:

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Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGIS-

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TRATION REQUIREMENTS. The state or a municipality may not award a

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contract for architectural, engineering, or land surveying services to

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(1) an individual who is not registered under AS 08.48 to

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perform the architectural, engineering, or land surveying services

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required by the contract;

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(2) a partnership that is not qualified under AS 08.48.251

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to provide the architectural, engineering, or land surveying services

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required by the contract; or

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(3) a corporation that is not authorized under AS 08.48.241

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to offer the architectural, engineering, or land surveying services

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required by the contract.

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

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Sec. 36.98.010. APPLICATION OF CHAPTER. Except as otherwise

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provided in AS 36.98.043, this [THIS] chapter applies to contracts for

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professional services provided to a state agency unless

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(1) the total amount of the contract does not exceed

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\$25,000;

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(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 unless federal law prohibits this factor from being con-  
21 sidered in the awarding of the contract; and

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

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

29 (c) This section does not apply to contracts awarded in a

1 situation of public necessity if the person responsible for execution  
2 of the contract on behalf of the state agency certifies in writing  
3 that a situation of public necessity exists.

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

16 (e) This section does not apply to a contract that incorporates  
17 both design services and construction.

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

21 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.--  
22 10.070(c).

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