

HOUSE BILL NO. 177

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Introduced: 3/1/91

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the procurement code."

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

3 * Section 1. AS 36.30.040(b) is amended by adding a new paragraph to read:

4 (17) cost-plus-a-percentage-of-cost contract provisions allowed under
5 AS 36.30.370.

6 * Sec. 2. AS 36.30.100(b) is amended to read:

7 (b) Competitive sealed bidding is not required

8 (1) when the commissioner determines in writing that food, clothing, or medical
9 supplies, or supplies [MATERIALS] for use in laboratory or medical studies may be purchased
10 otherwise to the best advantage of the state;

11 (2) [WHEN RATES ARE FIXED BY LAW OR ORDINANCE;

12 (3)] for the purchase of products or services manufactured or provided by an
13 employment program; or

14 ~~(3)~~ [(4)] for the purchase of products or services provided by the correctional

1 industries program established under AS 33.32 [;
2 (5) FOR PROFESSIONAL SERVICES; OR
3 (6) FOR CONCESSIONS OPERATED ON STATE PROPERTY].

4 * Sec. 3. AS 36.30.370 is amended to read:

5 Sec. 36.30.370. TYPES OF CONTRACTS. Subject to limitations of this section, any
6 type of contract that will promote the best interests of the state may be used, except that the use
7 of a cost-plus-a-percentage-of-cost contract is prohibited except as authorized by (b) of this
8 section. A cost-reimbursement contract may be used only when a determination is made in
9 writing by the procurement officer that a cost-reimbursement contract is likely to be less costly
10 to the state than any other type or that it is impracticable to obtain the supplies, services,
11 professional services, or construction required except under a cost-reimbursement contract.

12 * Sec. 4. AS 36.30.370 is amended by adding a new subsection to read:

13 (b) A construction contract may provide that the contractor shall be paid on a cost-plus-a-
14 percentage-of-cost basis for extra work that could not be reasonably anticipated, if the extra work
15 is required for the satisfactory completion of the project under the contract.

16 * Sec. 5. AS 36.30.850(b) is amended by adding new paragraphs to read:

17 (23) disposals of supplies acquired through foreclosure of loans issued under
18 AS 03.10;

19 (24) purchases of curatorial and conservation services to maintain, preserve, and
20 interpret

21 (A) objects of art; and

22 (B) items having cultural, historical, or archaeological significance to the
23 state;

24 (25) acquisition of confidential seismic survey data necessary for pre-sale oil and
25 gas lease analyses under AS 38.05.180;

26 (26) contracts for village public safety officers;

27 (27) purchases of supplies and services to support the operations of the Alaska
28 state troopers or the division of fish and wildlife protection if the procurement officer for the
29 Department of Public Safety makes a written determination that publicity of the purchases would
30 jeopardize the safety of personnel or the success of a covert operation;

31 (28) expenditures when rates are set by law or ordinance.