

**SENATE BILL NO. 245**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Introduced: 4/8/91**  
**Referred: Transportation, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to state purchases of heavy trucks and heavy equipment."**

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

3 **\* Section 1. LEGISLATIVE INTENT.** It is the intent of the legislature that the state take into  
4 account certain factors in addition to price when purchasing heavy trucks and heavy equipment. The  
5 state should consider resale value, durability as measured by projected operating and maintenance costs,  
6 and service requirements, including warranty, parts availability, and service locations. These factors  
7 should be considered with the goal of acquiring the best value for the state considering the price and  
8 quality of the equipment purchased.

9 **\* Sec. 2.** AS 36.30.040(b) is amended to read:

10 (b) The commissioner shall adopt regulations pertaining to the following:

11 (1) suspension, debarment, and reinstatement of prospective bidders and  
12 contractors;

13 (2) bid protests;

14 (3) conditions and procedures for the procurement of perishables and items for

- 1 resale;
- 2 (4) conditions and procedures for the use of source selection methods authorized
- 3 by this chapter, including sole source procurements, emergency procurements, and small
- 4 procurements;
- 5 (5) the opening or rejection of bids and offers, and waiver of informalities in bids
- 6 and offers;
- 7 (6) confidentiality of technical data and trade secrets submitted by actual or
- 8 prospective bidders or offerors;
- 9 (7) partial, progressive, and multiple awards;
- 10 (8) storerooms and inventories, including determination of appropriate stock levels
- 11 and the management of agency supplies;
- 12 (9) transfer, sale, or other disposal of supplies;
- 13 (10) definitions and classes of contractual services and procedures for acquiring
- 14 them;
- 15 (11) providing for conducting price analysis;
- 16 (12) use of payment and performance bonds in connection with contracts for
- 17 supplies, services, and construction;
- 18 (13) guidelines for use of cost principles in negotiations, adjustments, and
- 19 settlements;
- 20 (14) conditions under which an agency may use the services of an employment
- 21 program;
- 22 (15) a bidder's or offeror's duties under AS 36.30.115 and 36.30.210; [AND]
- 23 (16) the elimination and prevention of discrimination in state contracting because
- 24 of race, religion, color, national origin, sex, age, marital status, pregnancy, parenthood, handicap,
- 25 or political affiliation; and
- 26 (17) the criteria to be considered when purchasing heavy trucks and
- 27 equipment.

28 \* Sec. 3. AS 36.30.100(b) is amended to read:

29 (b) Competitive sealed bidding is not required

30 (1) when the commissioner determines in writing that food, clothing, or medical

31 supplies, or materials for use in laboratory or medical studies may be purchased otherwise to the

1 best advantage of the state;

2 (2) when rates are fixed by law or ordinance;

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

5 (4) for the purchase of products or services provided by the correctional industries  
6 program established under AS 33.32;

7 (5) for professional services; [OR]

8 (6) for concessions operated on state property; or

9 (7) for the purchase of heavy trucks and heavy equipment.

10 \* Sec. 4. AS 36.30.200 is amended by adding a new subsection to read:

11 (d) Notwithstanding other provisions of this chapter, when a state agency procures heavy  
12 trucks and heavy equipment, the agency may use competitive sealed proposals.

13 \* Sec. 5. AS 36.30 is amended by adding a new section to read:

14 Sec. 36.30.215. EVALUATION FACTORS FOR HEAVY TRUCKS AND EQUIPMENT.

15 When a state agency uses competitive sealed proposals to procure heavy trucks and heavy  
16 equipment, the following evaluation factors may be considered:

17 (1) the price;

18 (2) the quality of the article offered;

19 (3) the performance capabilities of the offerors and the manufacturers;

20 (4) the suitability of the articles for the intended use;

21 (5) the service requirements, including warranty, parts availability, and parts  
22 locations;

23 (6) durability as measured by projected operating and maintenance costs;

24 (7) the resale value;

25 (8) the transportation charges;

26 (9) the date of delivery and performance; and

27 (10) other factors determined to be pertinent or peculiar to the procurement.