

S B

2 0 4

5 / 5 / 8 6

STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*House Rules 5-5-86 8:30am*



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### I N D E X

- I. MEMO DATED MAY 5, 1986 TO HOUSE RULES COMMITTEE MEMBERS
- II. PROPOSED VERSION HCS CSSB 204 (RULES)
- III. HCS CSSB 204 (JUDICIARY)
- IV. SENATE PASSED VERSION - CSSB 204 (FINANCE)
- V. POSITION PAPER CSSB 204 - FROM DEPARTMENT OF ADMINISTRATION



Official Business

# Alaska State Legislature

## House of Representatives

### Committee on Rules

Pouch V  
Juneau, Alaska 99811

Phone:  
(907) 465-3764  
465-3765

#### MEMORANDUM

DATE: MAY 5, 1986  
TO: Rules Committee Members  
FROM: Rep. Mike W. Miller, Chairman  
House Rules Committee  
SUBJECT: HCS CSSB 204(Rules)

Enclosed in your packets is the proposed HCS CSSB 204(RULES). This version makes only one change to the version which passed out of the House Judiciary Committee.

In reference to the HCS CSSB 204(JUDICIARY), ON PAGE 2, LINES 19 - 20, it reads, "(1) proximity to the project site of the office of the firm or person; and"

It was felt that the above wording could prohibit federal funding considerations.

In the proposed HCS CSSB 204(RULES), ON PAGE 2, LINES 19 -20 now read: "proximity to the project site of the office of the firm or person ADD: unless federal law prohibits this factor from being considered in the awarding of the contract; and

II

Barnister ✓  
5/2/86

Original sponsors: Sturgulewski and Rodey

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

IN THE SENATE BY THE RULES COMMITTEE

HOUSE CS FOR CS FOR SENATE BILL NO. 204 (Rules)

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to contracts for architectural, engineering, and land surveying services; and providing for an effective date."

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

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

Sec. 36.90.100. COMPLIANCE OF CONTRACTS WITH PROFESSIONAL REGISTRATION REQUIREMENTS. The state or a municipality may not award a contract for architectural, engineering, or land surveying services to

(1) an individual who is not registered under AS 08.48 to perform the architectural, engineering, or land surveying services required by the contract;

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

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

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

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

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

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

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

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

27 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.-  
28 10.070(c).

29

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 add: unless federal law prohibits this factor from being considered in the  
or person; and awarding of the contract.

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).

28

IV

Offered: 2/4/86  
Referred Rules

Original sponsors: Sturgulewski and Rodey

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 204 (Finance)

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 ' - 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 political subdivision of the

13

state may not award a contract for architectural, engineering, or land

14

surveying services to

15

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

16

perform the architectural, engineering, or land surveying services

17

required by the contract;

18

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

19

to provide the architectural, engineering, or land surveying services

20

required by the contract; or

21

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

22

to offer the architectural, engineering, or land surveying services

23

required by the contract.

24

\* Sec. 2. AS 36.98 is amended by adding a new section to read:

25

Sec. 36.98.043. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING

26

CONTRACTS. (a) Notwithstanding the provisions of AS 36.98.010(3) and

27

36.98.040, a state agency shall negotiate a contract with the most

28

qualified and suitable firm or person of demonstrated competence for

29

architectural, engineering, or land surveying services. The state

1 agency shall award a contract for those services at fair and reason-  
2 able compensation as determined by the state agency, after considera-  
3 tion of the estimated value of the services to be rendered, and the  
4 scope, complexity, and professional nature of the services.

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

10 (c) This section does not apply to contracts awarded in a situa-  
11 tion of public necessity if the person responsible for execution of  
12 the contract on behalf of the state agency certifies in writing that a  
13 situation of public necessity exists.

14 (d) Notwithstanding the other provisions of this section, a  
15 state agency may include price as a factor in selecting architectural,  
16 engineering, and land surveying services when, in the judgment of the  
17 state agency, the services required are repetitious in nature, and the  
18 scope, nature, and amount of services required are sufficiently de-  
19 fined by measurable and objective standards to reasonably enable firms  
20 and individuals making proposals to compete with a clear understanding  
21 and interpretation of the services required. In order to include  
22 price as a factor in selection, the state agency shall involve in the  
23 evaluation of the proposals at least one person who is registered in  
24 the state to perform the architectural, engineering, or land surveying  
25 services that are the primary services to be provided by the contract.

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

28 \* Sec. 3. This Act applies to requests for bids or proposals for archi-  
29 tectural, engineering, and land surveying services issued after the

1 effective date of this Act.

2 \* Sec. 4. This Act takes effect immediately in accordance with AS 01.--

3 10.070(c).

4



Position Paper  
CSSB 204

1

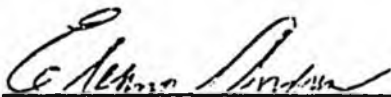
The Department of Administration supports this bill.

This legislation would require the State to award contracts for architectural, engineering and surveying services in compliance with AS 36.98.043 and 36.90.100.

Except under the specified conditions, when seeking the services of an architectural, engineering, or land surveying firm, the requesting agency would rank competing firms. They would then negotiate with the highest ranked firm. If they did not feel the proposed contract price was fair they could move on to the next most qualified firm. If the price were made a consideration it could not be given a weight greater than 20%. For the selection of professional services contractors other than architects, engineers or land surveyors, the requesting agency would have no restrictions when considering price in making their ranking and selections.

   
\_\_\_\_\_  
Robert J. Link, Director  
Division of General Services & Supply  
Department of Administration

2/3/86  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Commissioner Eleanor Andrews  
Department of Administration

2/14/86  
\_\_\_\_\_  
Date