

S B


358

Alaska MUNICIPAL League

TELEPHONE
(907) 586-1325

217 SECOND STREET, SUITE 200
JUNEAU, ALASKA 99801

TO: Senator Arliss Sturgulewski, Chair
Members of the Senate Community and Regional Affairs Committee

FROM: Scott A. Burgess, Executive Director 

DATE: January 28, 1988

SUBJECT: SB 358 - Municipal Procurement of Architectural, Engineering and
Land Surveying Services

On behalf of its 135 municipal members, the Alaska Municipal League supports the selection of design professionals through a qualifications-based process, and, therefore, supports SB 358. I have attached a copy of AML Resolution No. 88-37* passed at the AML Annual Conference in November 1987.

HB 358 requires municipalities to comply with the State's professional services procurement practices laid out in AS 36.30.270 while providing for local option for those municipalities which choose to adopt their own ordinance establishing a selection process. While the AML has resisted similar legislation mandating procurement practices on municipalities for professional services as well as other procurement practices such as competitive bidding as an unnecessary and unjustified restriction on local control, the AML does not oppose SB 358 for the following reasons:

- 1) the AML membership adopted Resolution No. 88-37 in November 1987 supporting selection of design professionals through a qualification-based process; and,
- 2) SB 358 provides municipalities the option of exempting themselves from the state standards by adopting their own ordinance establishing a selection process that better meets their individual needs, resources and situations.

The AML supports SB 358. Thank you.

* The reference to AS 36.908.043 is presumably a typo and a reference to AS 36.98 repealed by Chapter 106 SLA 1986, now AS 36.30.270.

Attachment

Alaska State Legislature



SENATOR
ARLISS STURGULEWSKI

Chairman, Senate Community and Regional Affairs Committee
Vice Chairman, Senate Judiciary Committee
Member, Senate Resources Committee

2957 SHELDON JACKSON STREET
ANCHORAGE, ALASKA 99508

While in Juneau
P. O. BOX V
JUNEAU, ALASKA 99511
(907) 465-3818

Senate

M E M O R A D U M

26 January 1988

TO: Community & Regional Affairs Committee

FROM: Melissa Aber Fouse
Staff to Senator Arliss Sturgulewski *MAF*

RE: Senate Bill 358 - "An Act relating to municipal procurement of architectural, engineering, and land surveying services."

Current state statutes do not require municipalities to follow any particular procedure when contracting for architectural, engineering, or land surveying services. Senate Bill 358 adds a section to Title 29 outlining procedures for municipalities to follow in order to comply with AS 36.30.270 - that section of the procurement code outlining the process by which state agencies must select architects, engineers, and land surveyors.

That process includes negotiating a contract with the most qualified firm or individual and awarding the contract for fair and reasonable compensation after determining the value of the services, the scope and the complexity of the project. Also included in the section are procedures to follow when negotiations with the most qualified firm or person are not successful and when price may be included as an added factor.

Under the proposed statute, a municipality may exempt itself, or part of itself, from the requirements of AS 36.30.279 by adopting an ordinance that establishes a selection process.

Also attached is Resolution 88-37 of the Alaska Municipal League adopted in November during the Municipal League convention as well as a copy of AS 36.30.270.

This legislation is substantially similar in concept to SB 204, passed in 1986, which placed the same requirements on state agencies. It was also known as the "mini-Brooks bill".

A committee substitute is required in order to incorporate language stating specifically that this legislation applies to home rule municipalities. The fiscal note is zero.

Sec. 36.30.270. Architectural, engineering, and land surveying contracts. (a) Notwithstanding conflicting provisions of AS 36.30.100 — 36.30.260, a procurement officer shall negotiate a contract for an agency with the most qualified and suitable firm or person of demonstrated competence for architectural, engineering, or land surveying services. The procurement officer shall award a contract for those services at fair and reasonable compensation as determined by the procurement officer, after consideration of the estimated value of the services to be rendered, and the scope, complexity, and professional nature of the services. When determining the most qualified and suitable firm or person, the procurement officer shall consider the

(1) proximity to the project site of the office of the firm or person unless federal law prohibits this factor from being considered in the awarding of the contract; and

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

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

(c) This section does not apply to contracts awarded in a situation of public necessity if the procurement officer certifies in writing that a situation of public necessity exists.

(d) Notwithstanding the other provisions of this section, a procurement officer may include price as an added factor in selecting architectural, engineering, and land surveying services when, in the judgment of the procurement officer, the services required are repetitious in nature, and the scope, nature, and amount of services required are thoroughly defined by measurable and objective standards to reasonably enable firms or persons making proposals to compete with a clear understanding and interpretation of the services required. In order to include price as a factor in selection, a majority of the persons involved by the procurement officer in evaluation of the proposals must be registered in the state to perform architectural, engineering, or land surveying services.

(e) This section does not apply to a contract that incorporates both design services and construction. (§ 2 ch 106 SLA 1986)

Cross references. — For professional registration requirements for contracts under this section, see AS 36.90.100.

RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE

RESOLUTION NO. 88-37

A RESOLUTION OF THE ALASKA MUNICIPAL LEAGUE SUPPORTING
SELECTION OF DESIGN PROFESSIONALS THROUGH
A QUALIFICATION-BASED PROCESS.

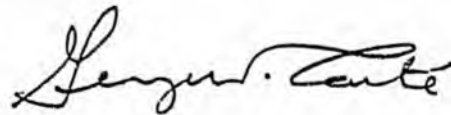
WHEREAS, this process attempts to assure that selection of design professionals based on qualifications (while providing for negotiation of fair and reasonable compensation) will obtain the best professional services for the most equitable fee, and

WHEREAS, the federal government implemented a procedure for selection of design professionals on the basis of qualifications, as set forth in Public Law 92-582, and

WHEREAS, the State of Alaska adopted a procedure for selection of design professionals based on qualifications, as set forth in A.S. 36.908.043;

NOW, THEREFORE, BE IT RESOLVED that the Alaska Municipal League supports the selection of design professionals through a qualification-based process as expressed in federal and state law and urges its members to support state legislation adopting this process for municipalities while at the same time providing for local option for those municipalities which choose to adopt their own ordinance addressing this selection process.

Adopted this 13th day of November 1987.



George W. Carte, President

ATTEST:



Scott A. Burgess, Executive Director

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act..municipal procurement..
engineering..land surveying services."
Sponsor: Sturgulewski, Hensley etc
Requestor: _____

Agency Affected: Community & Regional Affairs
BRU: _____
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Jim Plasman
Prepared by: Jim Plasman, Deputy Director Phone: 465-4750
Division: Municipal & Regional Assistance Date: 1-27-88

Approved by Commissioner: *Ruth Hensley* Date: 1-27-88
Agency: Community & Regional Affairs

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

- P.O. BOX B
JUNEAU, ALASKA 99811-2100
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508-4302
PHONE: (907) 563-1073

January 28, 1988

POSITION PAPER

RE: Senate Bill 358


SPONSOR: Senator Sturgulewski, et. al.

Program Effects of Bill

This bill would make the provisions of AS 36.30.270, regarding the procurement of architectural, engineering and land surveying services applicable to municipalities and their administrative units, unless they choose to exempt themselves from coverage by ordinance.

Comments

Generally, the thrust of Title 29, as recodified in 1985, was to increase local determination of standards and requirements of this nature and to reduce reliance upon state standards. However, this bill provides that municipalities may choose to exempt themselves from the coverage of AS 36.30.270 by passage of an ordinance establishing a selection process. The department does not oppose this bill.



David G. Hoffman, Commissioner

Original sponsors: Sturgulewski, Hensley,
Coghill, et al.

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 358 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal procurement of archi-
7 tectural, engineering, and land surveying services."

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

9 * Section 1. AS 29.10.200 is amended by adding a new paragraph to read:

10 (49) AS 29.71.040 (procurement requirement).

11 * Sec. 2. AS 29.71 is amended by adding a new section to read:

12 Sec. 29.71.040. PROCUREMENT REQUIREMENT. (a) A municipality
13 and its administrative units shall comply with AS 36.30.270 unless the
14 municipality specifically exempts itself or an administrative unit
15 from AS 36.30.270 by adopting an ordinance establishing a selection
16 process for the municipality or for the unit. In this section,

17 (1) "administrative unit" includes a department, institu-
18 tion, board, commission, division, authority, public corporation,
19 utility, or other administrative unit of a municipality;

20 (2) "selection process" means a selection process for the
21 procurement of architectural, engineering, and land surveying ser-
22 vices.

23 (b) This section applies to home rule and general law munici-
24 palities.
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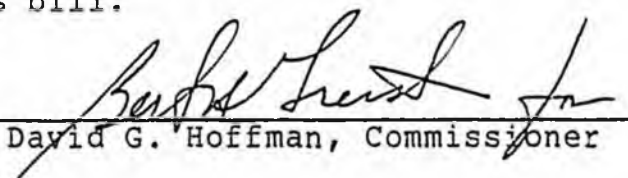
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*Rich Butler
US Reg for
Design Professionals
mal menszies
R+M Eng.
Sturmgulewski
A-E + LS
-o- [Signature]*

5-1504B
Bannister
01/27/88

Original sponsors: Sturgulewski, Hensley,
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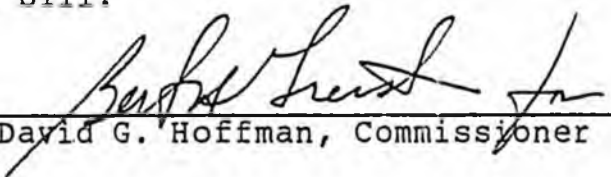
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