

**HB**

**570**

HOUSE COMMITTEE ON STATE AFFAIRS

RECAP OF  
HB 570

Procurement Code Amendments

Received March 15, 1990  
by The Judiciary Committee

Heard March 29, 1990  
Heard April 4, 1990

Adopted CSHB 570 (SA) April 4, 1990

Passed Out of Committee April 4, 1990  
1 Do Pass  
3 No Recommendation

## TABLE OF CONTENTS

### HB 570: Procurement Code Amendments

- Item 1: HB 570 by The Judiciary Committee  
CSHB 570 (SA)
- Item 2: Fiscal Notes and Analyses by Department of  
Commerce & Economic Development and  
Department of Administration
- Item 3: Memorandum from Rep. Gruenberg,  
February 27, 1990
- Item 4: Sectional Analysis
- Item 5: Memorandum from Alaska Railroad Corporation,  
March 13, 1990
- Item 6: Rule No. 8: Adopting Procurement Rules for the  
Corporation
- Item 7: Chapter 30. State Procurement Code

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 15, 1990

FURTHER REFERRALS:

Date of Committee Action: \_\_\_\_\_

The STATE AFFAIRS Committee considered:

HB 570

HOUSE BILL NO. 570

PROCUREMENT CODE AMENDMENTS

"An Act relating to state procurement."

**RECOMMENDATIONS:**

- [X] be replaced with CSHB570(SA) [X] the same title  
[ ] a new title  
 [ ] have attached amendment(s)  
 [ ] do pass  
 [ ] do not pass  
 [X] no recommendation  
 [ ] individual recommendations  
 [ ] additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(s):  
(Dept)

APPROVES PREVIOUS:

(Date/Dept)

- [ ] fiscal impact \_\_\_\_\_  
 [ ] zero fiscal note \_\_\_\_\_  
 [ ] zero with analysis \_\_\_\_\_

- [ ] fiscal note(s) \_\_\_\_\_  
 [X] zero fiscal note(s) 3/15/90 - DOA  
 [ ] zero fn/analysis \_\_\_\_\_

**SIGNING DO PASS:**

O.C. Bush  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING:**

(Check approp. column)

	Do Not Pass	No Rec	Amend
<u>George Keyser</u>	✓		
<u>David Lindstrom</u>	✓		
<u>Conrad ...</u>	✓		

O.C. Bush  
Chairman's Signature

BY THE JUDICIARY COMMITTEE

1 IN THE HOUSE

2

HOUSE BILL NO. 570

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to state procurement."

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

8 \* Section 1. AS 36.30.015(e) is amended to read:

9 (e) The board [BOARDS] of directors of [THE ALASKA RAILROAD  
10 CORPORATION AND] the Alaska State Housing Authority shall adopt proce-  
11 dures to govern the procurement of supplies, services, professional  
12 services, and construction [BY THE CORPORATION]. The procedures must  
13 be substantiially equivalent to the procedures prescribed in this  
14 chapter and in regulations adopted under this chapter.

15 \* Sec. 2. AS 36.30 is amended by adding a new section to read:

16 Sec. 36.30.035. ALASKA RAILROAD CORPORATION. The board of  
17 directors of the Alaska Railroad Corporation shall adopt and publish  
18 procedures to govern the procurement of supplies, services, profes-  
19 sional services, and construction. The procedures must meet accepted  
20 railroad industry standards under AS 42.40.100.

21 \* Sec. 3. AS 36.30.040(b) is amended by adding a new paragraph to read:

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

24 \* Sec. 4. AS 36.30.100(b) is amended to read:

25 (b) Competitive sealed bidding is not required

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

- 1 (2) [WHEN RATES ARE FIXED BY LAW OR ORDINANCE;  
2 (3)] for the purchase of products or services manufactured  
3 or provided by an employment program; or  
4 (3) [(4)] for the purchase of products or services provided  
5 by the correctional industries program established under AS 33.32 [;  
6 (5) FOR PROFESSIONAL SERVICES; OR  
7 (6) FOR CONCESSIONS OPERATED ON STATE PROPERTY].

8 \* Sec. 5. AS 36.30.370 is amended to read:

9 Sec. 36.30.370. TYPES OF CONTRACTS. Subject to limitations of  
10 this section, any type of contract that will promote the best inter-  
11 ests of the state may be used, except that the use of a cost-plus-a-  
12 percentage-of-cost contract is prohibited except as authorized by (b)  
13 of this section. A cost-reimbursement contract may be used only when  
14 a determination is made in writing by the procurement officer that a  
15 cost-reimbursement contract is likely to be less costly to the state  
16 than any other type or that it is impracticable to obtain the sup-  
17 plies, services, professional services, or construction required  
18 except under a cost-reimbursement contract.

19 \* Sec. 6. AS 36.30.370 is amended by adding a new subsection to read:

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

25 \* Sec. 7. AS 36.30.850(b) is amended by adding new paragraphs to read:

26 (22) disposals of supplies acquired through foreclosure of  
27 loans issued under AS 03.10;

28 (23) purchases of curatorial and conservation services to  
29 maintain, preserve, and interpret

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14

(A) objects of art; and

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

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

(25) contracts for village public safety officers;

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

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

\* Sec. 8. AS 36.30.540(4) and 36.30.540(5) are repealed.

→ because of community → uniqueness of  
role of officer

## FISCAL NOTE

**REQUEST:**

Revision Date: \_\_\_\_\_  
 Title: An Act relating to state procurement  
 Sponsor: House Judiciary Committee  
 Requestor: House Transportation

Agency Affected: Commerce & Economic Dev.  
 BRU: Alaska Railroad Corporation  
 Components: \_\_\_\_\_

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0
<b>CAPITAL</b>	0	0	0	0	0	0
<b>REVENUE</b>	0	0	0	0	0	0

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	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)

As the Alaska Railroad Corporation is not subject to the Executive Budget Act, this legislation will have no fiscal impact on the state budget. However, an analysis of the cost of this legislation to the Railroad is attached.

Prepared by: Guy Bell, Director  
 Division: Administrative Services

Phone: 465-2505  
 Date: 3/12/90

Approved by Commissioner: Larry Mercurieff *Guy Bell*  
 Agency: Department of Commerce & Economic Development


Date: 3/12/90

**Distribution (by preparer):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Memorandum  
March 12, 1990

To: Linda Wild  
Department of Commerce and Economic Development

From: Larry Houle   
Alaska Railroad Corporation

Re: Fiscal Note Information HB 570

The ARRC is impacted in two specific areas as a result of the state procurement code. We are in support of HB 570 as it is written because it would allow the corporation to return to our original procurement program, consistent with railroad industry standards and our enabling legislation AS 42.40.

1) The state procurement procedures clearly add two full time staff to the ARRC procurement department. One supervisor at approximately \$50,000 per annum and one Procurement Officer at approximately \$40,000 per annum. In addition to their annual salaries the corporation must pay an additional 21% in annual benefits such as; unemployment insurance, workman's compensation, medical and dental insurance.

2) The state procurement procedures also add an additional 30 to 45 days to the procurement process thereby, eliminating our ability to take advantage of certain spot market purchases and market opportunities where low pricing is available for only a limited time frame. It is difficult to quantify this delay in hard dollars, but estimate it to cost ARRC approximately \$300,000. per annum.

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: "An Act relating to State  
procurement."  
Sponsor: Judiciary Committee  
Requestor: \_\_\_\_\_

Agency Affected: Administration  
BRU: General Services and Supply  
Components: Purchasing

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS: (Attach a separate page if necessary)

The bill makes minor housekeeping changes to the State procurement code. The impacts to the Department of Administration are negligible for FY 90 as well as future years.

Prepared by: Robert J. Link, Director  
Division: General Services and Supply  
Approved by Commissioner: Frank S. Baxter  
Agency: Department of Administration

Phone: 465-2250  
Date: 3/5/90  
Date: 3/6/90

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

Item 3

# State of Alaska

## Committees

CO-CHAIR, HOUSE JUDICIARY  
VICE-CHAIR, HOUSE LABOR AND COMMERCE  
HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES



P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-4712  
465-4968/4986  
(SESSION)  
914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spennard, Upper Midtown Anchorage

## MEMORANDUM

TO: Rep. H. A. "Red" Boucher  
Chairman, House State Affairs Committee

FROM: Rep. Max F. Gruenberg, Jr.  
Co-Chairman, House Judiciary Committee *Max*

SUBJECT: Scheduling of HB 570

DATE: February 27, 1990

HB 570, "An act relating to state procurement", was introduced by the House Judiciary Committee and was referred to the State Affairs Committee on March 15.

This bill makes several minor amendments to the state Procurement Code which are derived from provisions dropped from SB 170 in the House last year. It also changes the law regarding procurements by the Alaska Railroad. A sectional analysis is attached.

The bill is ready for a hearing. Please schedule the bill at your earliest opportunity.

SECTIONAL ANALYSIS OF  
HOUSE BILL 570

Sections 1 and 2 [AS 36.30.015(e), -.035]

The Alaska Railroad is not currently covered by the Procurement Code. However, AS 36.30.015(e) requires the ARR to adopt procurement procedures substantially equivalent to the Procurement Code. Section 1 removes that requirement, which is replaced by a requirement in Section 2 that the ARR adopt and publish procurement procedures that meet accepted railroad industry standards. The language in Section 2 implements existing AS 42.40.100(8).

Sections 3, 5 and 6 [AS 36.30.040(b); -.370]

These three sections implement a proposal set forth in Section 15 of SB 170. They make it clear that the general prohibition against cost-plus-percentage-of-cost contracts in the Procurement Code does not apply to change orders in construction contracts. Change orders are standard construction contract terms that provide for payment for unanticipated work during the course of a construction contract. Such work is outside the scope of the original contract, but is routinely performed by the contractor.

no  
and  
project  
out to bid

Section 4 [AS 36.30.100(b)]

The bill deletes three of six existing exemptions from the competitive sealed bidding requirement of the Procurement Code, including purchases where the rates are fixed by law, for professional services, and for concessions on state property. Under the bill, if rates are fixed by law the transaction will now be completely exempted from the Procurement Code, by virtue of new AS 36.30.850(b)(27) [page 3, line 13]. Contracts for professional services and concessions on state property may be exempted from competitive sealed bidding only by administrative action.

Section 7 [AS 36.30.850(b)]

This section adds a number of specific transactions to the list of transactions exempt from the Procurement Code. They are subsections:

(22): disposals of supplies acquired through foreclosure of loans from the Alaska Agricultural Loan Fund (AS 03.10);

(23): purchases of curatorial and conservation services for state-owned objects of art or of cultural, historical, or archaeological significances;

(24): acquisitions of confidential seismic survey data necessary for pre-sale oil and gas lease analyses;

(25): contracts for village public safety officers;

(26): purchases supporting operations of law enforcement officers, if a finding is made that publicity of the purchases would jeopardize the safety of personnel or the success of the operation; and

(27): expenditures where rates are set by law.

Subsections (22) through (25) are retained from Section 17 of SB 170. Subsections (26) and (27) are derived from language in Section 18 of SB 170.

Section 8 [repealers]

This section repeals AS 36.30.540 (4) and (5). Those provisions required the Commissioner of Administration to biennially report to the legislature a list of all in and out of state procurements. The information remains available on request.

# ALASKA RAILROAD CORPORATION



P.O. Box 107500 • Anchorage, Alaska 99510-7500

MEMORANDUM  
March 13, 1990

To: House Transportation Committee

From: Larry J. Houle  
Legislative Liaison  
Alaska Railroad Corporation

Re: Position Paper HB 570

Thank you Mr. Chairman for the opportunity to comment before your committee and give testimony relating to HB 570 as it affects the Alaska Railroad Corporation.

The Alaska Railroad Corporation is a unique experiment in public ownership of a private business. As you know, the Alaska Railroad Corporation Act established the Corporation as a self-sustaining business, exclusively responsible for the financial and legal obligations incurred by the railroad, and provide for the prudent operation of the railroad according to sound business management practices. Further, the management is charged with the responsibility of fostering long-term economic growth and development of the state's land and natural resources, as well as maintain the viability of the railroad pending eventual sale or transfer from state ownership.

March 13, 1990  
Page 2 of 4

For the past five and a half years the railroad has operated as a self-sustaining business. As you know, we have not come back to you in the legislature to ask for any subsidies and in fact have turned down monies offered to us for passenger services. We did this to preserve our mandate of operating on a business-like basis because we felt that by applying sound business management practices we could effectively reduce costs or increase revenues on this service to a point where you would be satisfied with the returns.

This brings me to the reason we are here. The same law which established the corporation also charged us with the responsibility of ensuring the procurement procedures of the corporation meet accepted railroad industry standards. The corporation held public hearings and adopted such policies and procedures early on in our corporate existence. We felt we had excellent vendor relations, good sources of supplies and an efficient, well-managed procurement program in accordance with how other railroads operate. However, as you know in 1987 and 1988, the state adopted a new procurement code as a result of certain circumstances in Fairbanks. The railroad corporation was included in these new rules and regulations as being required to have "substantially equivalent" policies and procedures. There was nothing wrong with the way we had been conducting our procurement program but, all of a sudden, in mid-stream, we had to change our whole approach. As a result, we are

March 13, 1990  
Page 3 of 4

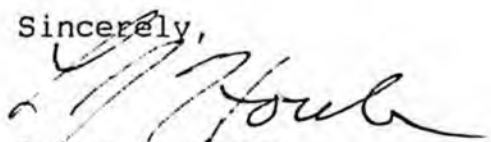
no longer similar to industry practices but are forced to try to implement "public" procurement practices while attempting to conduct a "private" business on a profitable basis. We have added two additional staff positions just to handle additional administrative burdens required under the new law. I might add these new positions have not added anything to the bottom line of the corporation, but are simply handling paperwork. Further, we feel an additional 30 to 45 days have been added to the procurement process. As you are fully aware, in business, time is money. Hard dollar costs are hard to determine in cases like this, but I feel confident in saying we are spending an additional \$200 hundred thousand dollars annually because of the procurement code.

The corporation is fully committed to the principles of competitive bidding, and fair and equitable treatment of its vendors and suppliers. Prime consideration to the company's interest is achieved while seeking to maintain and further long-term, mutually profitable, ethical supplier relationships. The Alaska Railroad is bottom line oriented. As a result, we must insure we have the best procurement program available which purchases needed materials and supplies at the most competitive rate while ensuring quality, dependable service. We are a business and as such we must be given the opportunity to pursue market opportunity when and where it arises. Market opportunity is not a consideration in the state procurement code.

March 13, 1990  
Page 4 of 4

House Bill 570 language which is before you for consideration would return the Alaska Railroad Corporation to the standard expected of us as a private business and as stated in our enabling legislation AS.42.40. Procedures which are consistent with accepted railroad industry standards assures you we are acting in a consistent, fair, publicly accountable practice while ensuring the Corporation has the ability to pursue its legislative mandate of maintaining itself as a viable investment of the State of Alaska.

Sincerely,



Larry J. Houle  
Alaska Railroad Corporation

**Rule No. 8 Adopting Procurement Rules for the Corporation.**

**Summary:** The rule provides for the procurement and purchasing of materials, supplies and services for the Corporation. The rule provides for purchasing, procurement by requesting bids, procurement by purchase order, oral agreements to purchase, contract negotiations, inspection of goods received, decisions to make or buy materials or supplies, returns to vendors, female and minority owned vendors, product endorsements, purchases by employees, price quotations, standardization of material purchases, use of the Corporation name, vendor relations and selection, and requirements of State law.

ALASKA RAILROAD  
CORPORATION

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A
		Issue Date	7-18-85	Page	1 of 8

PROCUREMENT RULES1100.0 PROCUREMENT POLICY

1100.1 Objective The overall objective of this Rule is to assure that needed goods and services are obtained in a manner that treats vendors fairly and equitably, and provides the best value to the Corporation.

1100.2 Competition ARRC policy is to purchase all goods and services with a value of \$1,000.00 or more on a competitive basis. Purchases made without competition must be justified in writing, approved, and be fair and reasonable.

1100.3 Written Solicitations Written solicitations will be utilized on all acquisitions of material and/or services with an estimated unit price of \$5,000.00 or more, unless specifically authorized by the V.P. Finance.

1100.4 Formal Solicitations A written "Invitation for Bid" or "Request for Proposal" will be utilized on all acquisitions of material and/or services that have an estimated unit price of \$25,000.00 or more.

ALASKA RAILROAD  
CORPORATION

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A
		Issue Date	7-18-85	Page	2 of 6

1100.5 Professional Services Procurement of Professional Services are made in accordance with AS 36.98 et seq.

1100.6 Female, Minority, and Alaskan Owned Vendors It is the policy of the ARRC to encourage meaningful participation of female, minority, and Alaskan owned vendor sources to provide useful and acceptable quality services or material at competitive prices.

### 1200.0 GENERAL PROVISIONS

1200.1 Authority These rules are adopted under the authority of AS 42.40.010 et seq., and P.L. 97-468 (The Alaska Railroad Transfer Act), 45 U.S.C. Sections 1201-1214 ("ARTA"). These rules shall be read in a manner consistent with applicable law.

1200.2 Application These rules shall apply to all employees of the Alaska Railroad Corporation (ARRC).

**ALASKA RAILROAD  
CORPORATION**

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A-
		Issue Date	7-10-85	Page	5 of 8

**1200.3 Delegation** The CEO may delegate the authority and responsibilities necessary for the implementation of these rules as he may deem appropriate.

**1200.4 Procedures** The CEO shall establish such procedures as are necessary to implement these rules.

**1200.5 Conflict with Existing Rules** These rules supersede the rules continued in effect by Emergency Rule No. 85-2, which have no further force or effect. These rules shall control in the event of a conflict between these rules and any other rules of the ARRC existing as of the date of adoption of these rules.

**1200.6 Terminology** The use of any gender in these rules shall be deemed to include the other gender, wherever appropriate. The use of the singular in these rules shall be deemed to include the plural and vice versa, wherever appropriate.

**1200.7 Product Endorsement** Requests for approval of a news release or advertisement stating that the ARRC, or any of its operating units or personnel, uses a product made or service

must be approved by the CEO.

**ALASKA RAILROAD  
CORPORATION**

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A-
		Issue Date	7-18-85	Page	4 of 8

1200.8 Use of ARRC Name The design or ordering of material that includes the use of the ARRC name or symbols must be approved by the Director of Administration.

1200.9 Standardization In order to maximize purchasing power, standardization of supplies, materials and equipment is to be achieved wherever appropriate.

1200.10 Purchases by Employees Employees may not purchase through the ARRC any materials purchased or used by the ARRC.

1200.11 Agreement with ARRC Policies and Practices Vendor selection and products shall be consistent with policies and standard practices of the ARRC.

1200.12 Make or Buy Where products required for company operations can be produced by the ARRC's operating departments or can be acquired from vendors, ARRC departments should be considered in the same manner as any other vendor.

1200.13 Conflict of Interest Internal Rule 900, "Conflict of Interest", is applicable to all Procurement Division personnel and activities.

ALASKA RAILROAD  
CORPORATION

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A-
		Issue Date	7-18-85	Page	5 of 6

1200.14 Oral Agreements When the value of an order is \$500.00 or more there must be written notation recording the order and terms, normally a purchase order.

1200.15 Commitment Authority Only those persons to whom authority has been delegated by the CEO may commit the ARRC to the purchase of materials, equipment, supplies, and services.

ALASKA RAILROAD  
CORPORATION

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A-
		Issue Date	7-18-85	Page	6 of 8

1300.0 PROCUREMENT DIVISION RESPONSIBILITIES

1300.1 Obligation Authority The Procurement Division will obligate the ARRC and make the final determination on sources of supply, quantities purchased, delivery schedule and price negotiations, except where others are authorized. They are responsible for ensuring that the Corporation is in compliance with the provisions of AS 36.05 et seq. in all of its procurement and purchasing activities.

1300.2 Purchasing Practices The Manager of Procurement shall examine the quality and kind of material requested to ensure that the best interest of ARRC are served, and shall inform ordering departments whenever the quantity or specifications of materials ordered are inconsistent with sound purchasing practices and market conditions.

1300.3 Interpretation of Rule Interpretation of this Rule is the responsibility of the Manager of Procurement. The Manager shall maintain a uniform set of forms, and procedures.

**ALASKA RAILROAD  
CORPORATION**

SUBJECT:	Procurement Rules	Rev. No.	0	Index	A.
		Issue Date	7-18-85	Page	7 of 8

1300.4 Advance Procurement Program The Manager of Procurement will establish and maintain an advance procurement program.

1300.5 Evaluation Bids, proposals, and quotations will be evaluated in a manner that assures fair and equitable treatment of bidders and provides the best value to the ARRC. Determination of the successful bidder and award of the order will be made by the Procurement Division, in consultation with the using department, only after all aspects including preference of the requisitioner have been considered. Results of formal solicitations will be disclosed to authorized ARRC personnel, ARRC Board and Legislative Audit. The name of the successful bidder and the amount of the award will be provided, on request, to firms that submitted qualified offers.

1300.6 Terms and Conditions Standard terms and conditions will apply to all purchases made by the ARRC.

1300.7 Return of Materials The Procurement Division will arrange for the return or disposition of merchandise that is received but not needed or acceptable.

**ALASKA RAILROAD  
CORPORATION**

SUBJECT: Procurement Rules	Rev. No.	0	Index	A-
	Issue Date	7-18-85	Page	4 of 8

1300.8 Freight Charges The Procurement Division is responsible for negotiating freight terms on all procurements.

1300.9 Follow Up The Manager of Procurement will follow up on all over-due or back-ordered purchase orders to ensure prompt receipt of materials as required by the users.

1300.10 Working With Vendors When supplier sales representatives make personal calls, they are to be directed to the Procurement Division. All response to questions regarding prices and products shall be provided by the Procurement Division. The Manager of Procurement is responsible for maintaining effective and professional relationships with vendors. Employees involved in procurement activities will work to maintain and enhance the ARRC's image by their personal conduct and methods of doing business.

1300.11 Aggrieved Respondents The Manager of Procurement will establish a procedure for prompt and equitable resolution of vendor complaints.

**Chapter 25. Contractors' Bonds.**

**Sec. 36.25.010. Bonds of contractors for public buildings or works.**

**NOTES TO DECISIONS**

**Contract for the delivery of "cover material" to a solid refuse landfill operated by the municipality of Anchorage was a supply contract which did not come within the scope of this chapter's bonding requirement. Municipality of Anchorage v. Tatco, Inc., Sup. Ct. Op. No. 3438 (File No. S-2697), P.2d (1989).**

**Sec. 36.25.020. Rights of persons furnishing labor or material.**

**NOTES TO DECISIONS**

**Quoted in Municipality of Anchorage v. Tatco, Inc., Sup. Ct. Op. No. 3438 (File No. S-2697), P.2d (1989).**

**Chapter 30. State Procurement Code.**

**Article**

1. Organization of State Procurement (§§ 36.30.005, 36.30.015, 36.30.040, 36.30.050, 36.30.090)
2. Competitive Sealed Bidding (§§ 36.30.100 — 36.30.120, 36.30.170, 36.30.180)
3. Competitive Sealed Proposals (§§ 36.30.210, 36.30.250, 36.30.265)
4. Other Procurement Methods (§§ 36.30.300, 36.30.305, 36.30.320)
5. Preference for Alaska Products (§§ 36.30.324, 36.30.332, 36.30.338)
6. Contract Formation and Modification (§§ 36.30.360, 36.30.362)
8. Legal and Contractual Remedies (§§ 36.30.590, 36.30.645, 36.30.680, 36.30.685, 36.30.690)
9. Intergovernmental Relations (§§ 36.30.730, 36.30.735)
10. General Provisions (§§ 36.30.850, 36.30.990)

**Article 1. Organization of State Procurement.**

**Section**

05. Centralization of procurement authority
15. Executive branch agencies

**Section**

40. Procurement regulations
50. Lists of contractors
90. Delivery of supplies

**Sec. 36.30.005. Centralization of procurement authority. (a)** Except as otherwise provided, all rights, powers, duties, and authority relating to the procurement of supplies, services, and professional services, and the control over supplies, services, and professional services vested in or exercised by an agency on January 1, 1988, are transferred to the commissioner of administration and to the chief procurement officer. Authority granted under this subsection shall be exercised in accordance with this chapter.

**(b)** Except as otherwise provided, all rights, powers, duties, and authority relating to the procurement of construction and procure-

ments of equipment or services for the state equipment fleet and the control over construction of state facilities and the state equipment fleet vested in or exercised by an agency on January 1, 1988, are transferred to the commissioner of transportation and public facilities, subject to regulations adopted by the commissioner of administration. Notwithstanding AS 44.68.110, authority relating to disposals from the state equipment fleet is vested in the commissioner of transportation and public facilities, subject to regulations adopted by the commissioner of administration. Authority granted under this subsection shall be exercised in accordance with this chapter.

(c) Notwithstanding other provisions of law, all rights, powers, duties, and authority relating to the procurement of supplies, services, professional services, and construction and the disposal of supplies for the University of Alaska are transferred to the Board of Regents. To the maximum extent possible, authority granted under this subsection shall be exercised in accordance with this chapter. The Board of Regents shall adopt regulations under this subsection that are substantially equivalent to the regulations adopted by the commissioner of administration to implement this chapter. For the purposes of this subsection, unless the context otherwise requires, in this chapter

(1) "agency" means a subunit of the University of Alaska;

(2) "attorney general" means the president of the University of Alaska;

(3) "chief procurement officer" means a person designated by the president of the University of Alaska whose qualifications are substantially equivalent to those provided in AS 36.30.010(a);

(4) "commissioner," "commissioner of administration," or "commissioner of transportation and public facilities" means the Board of Regents or the president of the University of Alaska if so designated by the Board of Regents by regulations adopted under this subsection; and

(5) "department" means the University of Alaska. (§ 2 ch 106 SLA 1986; am §§ 1, 2 ch 65 SLA 1987)

*Editor's notes.* — This section is set out to incorporate editorial changes made by the Revisor of Statutes.

NOTES TO DECISIONS

Cited in *Bowers Office Prods., Inc. v. University of Alaska*, 755 P.2d 1095 (Alaska 1988).

**Sec. 36.30.01**  
 sioner of transp  
 agency the aut  
 authority to ar  
 transportation  
 tion that the ag  
 ity. Notwithsta  
 contracts for cc  
 tions adopted b  
 ter.

(b) The comm  
 the authority t  
 vices, and sup  
 this subsection.  
 this chapter an  
 chapter. Before  
 tion, the comm  
 agency is capa

(c) The comm  
 thorty to disp  
 under this cha

(d) An agenc  
 without the ap

(e) The boar  
 the Alaska Stat  
 the procuremer  
 struction by th  
 equivalent to tl  
 tions adopted t

*Revisor's notes.*  
 SLA 1989 and AS 0  
 Housing Authority,

**Sec. 36.30.0**  
 shall adopt regi  
 control of suppl  
 agencies. The c  
 tion of the regu  
 spect to using

(b) The comm  
 lowing:

- (1) suspensio
- ders and contr
- (2) bid prote
- (3) condition:
- and items for

**Sec. 36.30.015. Executive branch agencies.** (a) The commissioner of transportation and public facilities may delegate to another agency the authority to contract for construction. Before delegating authority to an agency under this subsection, the commissioner of transportation and public facilities shall make a written determination that the agency is capable of implementing the delegated authority. Notwithstanding delegation of authority under this subsection, contracts for construction are governed by this chapter and regulations adopted by the commissioner of administration under this chapter.

(b) The commissioner of administration may delegate to an agency the authority to contract for and manage services, professional services, and supplies. Notwithstanding delegation of authority under this subsection, an agency's exercise of the authority is governed by this chapter and regulations adopted by the commissioner under this chapter. Before delegating authority to an agency under this subsection, the commissioner shall make a written determination that the agency is capable of implementing the delegated authority.

(c) The commissioner of administration may not delegate the authority to dispose of supplies or the authority to adopt regulations under this chapter.

(d) An agency may not contract for the services of legal counsel without the approval of the attorney general.

(e) The boards of directors of the Alaska Railroad Corporation and the Alaska State Housing Authority shall adopt procedures to govern the procurement of supplies, services, professional services, and construction by the corporation. The procedures must be substantially equivalent to the procedures prescribed in this chapter and in regulations adopted under this chapter. (§ 2 ch 106 SLA 1986)

Revisor's notes. — Under § 2, ch. 11, "Alaska State Building Authority" in SLA 1989 and AS 01.05.031 "Alaska State Housing Authority" was substituted for 1989.

**Sec. 36.30.040. Procurement regulations.** (a) The commissioner shall adopt regulations governing the procurement, management, and control of supplies, services, professional services and construction by agencies. The commissioner may audit and monitor the implementation of the regulations and the requirements of this chapter with respect to using agencies.

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

- (1) suspension, debarment, and reinstatement of prospective bidders and contractors;
- (2) bid protests;
- (3) conditions and procedures for the procurement of perishables and items for resale;

- (4) conditions and procedures for the use of source selection methods authorized by this chapter, including sole source procurements, emergency procurements, and small procurements;
- (5) the opening or rejection of bids and offers, and waiver of informalities in bids and offers;
- (6) confidentiality of technical data and trade secrets submitted by actual or prospective bidders or offerors;
- (7) partial, progressive, and multiple awards;
- (8) storerooms and inventories, including determination of appropriate stock levels and the management of agency supplies;
- (9) transfer, sale or other disposal of supplies;
- (10) definitions and classes of contractual services and procedures for acquiring them;
- (11) providing for conducting price analysis;
- (12) use of payment and performance bonds in connection with contracts for supplies, services, and construction;
- (13) guidelines for use of cost principles in negotiations, adjustments, and settlements;
- (14) conditions under which an agency may use the services of an employment program;
- (15) a bidder's or offeror's duties under AS 36.30.115 and 36.30.210; and
- (16) the elimination and prevention of discrimination in state contracting because of race, religion, color, national origin, sex, age, marital status, pregnancy, parenthood, handicap, or political affiliation. (§ 2 ch 106 SLA 1986; am § 1 ch 102 SLA 1989)

Effect of amendments. — The 1989 amendment, effective September 10, 1989, deleted "as defined under AS 36.30.100(c)" at the end of subsection (b)(14).

**Sec. 36.30.050. Lists of contractors.** (a) The commissioner shall establish and maintain lists of persons who desire to provide supplies, services, professional services, or construction services to the state.

(b) A person who desires to be on a list shall submit to the commissioner evidence of a valid Alaska business license. A biennial fee may be established by regulation in an amount reasonably calculated to pay the costs of administering this section. A construction contractor shall also submit a valid certificate of registration issued under AS 08.18. The commissioner, by regulation, may require submission of additional information.

(c) The lists may be used by the chief procurement officer or an agency when issuing invitations to bid or requests for proposals under this chapter. The lists may be used by the legislative council, the court system, the Alaska State Housing Authority, and the Alaska Railroad Corporation.

(d) *[Repealed]*  
§§ 3, 24 ch 65

Revisor's notes  
SLA 1989 and AS 0  
Housing Authority

**Sec. 36.30.090**  
this chapter shall be in the department de  
would be in the  
the procuremen  
shall state that  
8 SLA 1989)

Effective dates  
SLA 1989, provides  
July 1, 1989."

Al

**Section**  
100. General polic  
110. Invitation to  
115. Subcontractor

**Sec. 36.30.100**  
in this chapter  
contract shall l

- (b) **Competitive**
- (1) when the
- ing, or medical
- studies may be
- (2) when rat
- (3) for the pr
- vided by an er
- (4) for the pu
- tional industr
- (5) for profes
- (6) for conce
- (c) *[Repealed]*  
§ 20 ch 102 S

Effect of amen  
amendment, effecti  
repealed subsection

(d) [Repealed, § 24 ch 65 SLA 1987.] (§ 2 ch 106 SLA 1986; am §§ 3, 24 ch 65 SLA 1987)

Revisor's notes. — Under § 2, ch. 11, SLA 1989 and AS 01.05.031 "Alaska State Housing Authority" was substituted for "Alaska State Building Authority" in 1989.

Sec. 36.30.090. Delivery of supplies. Supplies purchased under this chapter shall be delivered at a location within the state unless the department determines that a point of delivery outside the state would be in the best interest of the state. A bid or proposal involving the procurement of supplies shall specify the delivery location and shall state that the price is the delivered price at that location. (§ 1 ch 8 SLA 1989)

Effective dates. — Section 2, ch. 11, SLA 1989, provides: "This Act takes effect July 1, 1989."

Article 2. Competitive Sealed Bidding.

Section	Section
100. General policy	120. Bid security
110. Invitation to bid	170. Contract award after bids
115. Subcontractors	180. Purpose

Sec. 36.30.100. General policy. (a) Except as otherwise provided in this chapter, or unless specifically exempted by law, an agency contract shall be awarded by competitive sealed bidding.

- (b) Competitive sealed bidding is not required
  - (1) when the commissioner determines in writing that food, clothing, or medical supplies, or materials for use in laboratory or medical studies may be purchased otherwise to the best advantage of the state;
  - (2) when rates are fixed by law or ordinance;
  - (3) for the purchase of products or services manufactured or provided by an employment program:
  - (4) for the purchase of products or services provided by the correctional industries program established under AS 33.32;
  - (5) for professional services; or
  - (6) for concessions operated on state property.

(c) [Repealed, § 20, ch 102, SLA 1989.] (§ 2 ch 106 SLA 1986; am § 20 ch 102 SLA 1989)

Effect of amendments. — The 1989 amendment, effective September 10, 1989, repealed subsection (c).



(9) is determined by the procurement officer not to be a responsible subcontractor.

(c) If a bidder fails to list a subcontractor or lists more than one subcontractor for the same portion of work and the value of that work is in excess of half of one percent of the total bid, the bidder shall be considered to have agreed to perform that portion of work without the use of a subcontractor and to have represented the bidder to be qualified to perform that work.

(d) A bidder who attempts to circumvent the requirements of this section by listing as a subcontractor another contractor who, in turn, sublets the majority of the work required under the contract violates this section.

(e) If a contract is awarded to a bidder who violates this section, the purchasing officer may

(1) cancel the contract; or

(2) after notice and a hearing, assess a penalty on the bidder in an amount that does not exceed 10 percent of the value of the subcontract at issue. (§ 2 ch 106 SLA 1986; am §§ 4, 5 ch 65 SLA 1987; am § 2 ch 163 SLA 1988; am § 4 ch 102 SLA 1989)

**Effect of amendments.** — The 1988 amendment added the last sentence in subsection (a).

The 1989 amendment, effective September 10, 1989, substituted "subcontractor" for "bidder" at the end of paragraph (b)(9).

**Sec. 36.30.120. Bid security.** (a) Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the procurement officer to exceed an amount established by regulation of the commissioner. Bid security on construction contracts under the amount set by the commissioner may be required when the circumstances warrant. Bid security may be required for competitive sealed bidding for contracts for supplies, services, or professional services in accordance with regulations of the commissioner when needed for the protection of the state.

(b) Bid security must be a bond provided by a surety company authorized to do business in the state or otherwise supplied in a form satisfactory to the commissioner. Bid security must be in an amount equal to at least five percent of the amount of the bid.

(c) When the invitation to bid requires security, the procurement officer shall reject a bid that does not comply with the bid security requirement unless, in accordance with regulations, the officer determines that the bid fails to comply in a nonsubstantial manner with the security requirements. (§ 2 ch 106 SLA 1986; am § 5 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989, rewrote the second sentence of subsection (b).

**Sec. 36.30.170. Contract award after bids.** (a) Except as provided in (b), (c), and (d) of this section, the procurement officer shall award a contract based on the solicited bids with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the invitation to bid.

(b) The procurement officer shall award a contract based on solicited bids to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent and an Alaska products preference as described in AS 36.30.322 — 36.30.338 have been applied. In this subsection, "Alaska bidder" means a person who

- (1) holds a current Alaska business license;
- (2) submits a bid for goods, services, or construction under the name as appearing on the person's current Alaska business license;
- (3) has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the date of the bid;
- (4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship, and the proprietor is a resident of the state or is a partnership, and all partners are residents of the state; and
- (5) if a joint venture, is composed entirely of ventures that qualify under (1) — (4) of this subsection.

(c) If a bidder qualifies under (b) of this section as an Alaska bidder, is offering services through an employment program, and is the lowest responsible and responsive bidder with a bid that is not more than 10 percent higher than the lowest bid of a nonresident, the procurement officer shall award the contract to that bidder.

(d) The procurement officer shall award an insurance-related contract based on solicited bids to the lowest responsive and responsible bidder after an Alaska bidder preference of five percent. In this subsection, "Alaska bidder" means a person who meets the criteria set out in (b)(1) — (5) of this section and who is an Alaska domestic insurer. (§ 2 cl. 106 SLA 1986; am §§ 7 — 9 ch 65 SLA 1987; am § 6 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989, deleted "as defined under AS 36.30.100(c)" following "employment program" in subsection (c).

**Sec. 36.30.180.** the state continue construction and fare of Alaskan of bidder preference participant is to economy; decrease base of th

Revisor's note 37.05.225. Renumi

Ar

Section 210. Request for 250. Award of con

**Sec. 36.30.2** tive sealed pro ering proposal services, or pr and the terms professional se offeror, no late most advantage offeror propose must include t subcontractor, and evidence o offeror for a c offeror's regist each listed su (b) A reques for an offeror t mation that c request must pr by the procur including the tors.

(c) Notice o with procedur additional me of the intent t posals.

(d) The pro sealed propos:

**Sec. 36.30.180. Purpose.** The legislature finds that there exists in the state continuing high unemployment, underutilization of resident construction and supply firms, and high costs unfavorable to the welfare of Alaskans and to the economic health of the state. The purpose of bidder preference for resident firms when the state acts as a market participant is to encourage local industry, strengthen and stabilize the economy, decrease unemployment, and strengthen the tax and revenue base of the state. (§ 1 ch 70 SLA 1985)

Revisor's notes. — Formerly AS 37.05.225. Renumbered in 1988.

### Article 3. Competitive Sealed Proposals.

Section  
210. Request for proposals  
250. Award of contract

Section  
265. Multi-step sealed proposals

**Sec. 36.30.210. Request for proposals.** (a) A request for competitive sealed proposals must contain the date, time, and place for delivering proposals, a specific description of the supplies, construction, services, or professional services to be provided under the contract, and the terms under which the supplies, construction, services, or professional services are to be provided. The request must require the offeror, no later than five working days after the proposal that is the most advantageous to the state is identified, to list subcontractors the offeror proposes to use in the performance of the contract. The list must include the name and location of the place of business for each subcontractor, the work to be subcontracted to each subcontractor, and evidence of the subcontractor's valid Alaska business license. An offeror for a construction contract shall also submit evidence of the offeror's registration under AS 08.18 and evidence of registration for each listed subcontractor.

(b) A request for proposals must contain that information necessary for an offeror to submit a proposal or contain references to any information that cannot reasonably be included with the request. The request must provide a description of the factors that will be considered by the procurement officer when evaluating the proposals received, including the relative importance of price and other evaluation factors.

(c) Notice of a request for proposals shall be given in accordance with procedures under AS 36.30.130. The procurement officer may use additional means considered appropriate to notify prospective offerors of the intent to enter into a contract through competitive sealed proposals.

(d) The provisions of AS 36.30.115(b) — (e) apply to competitive sealed proposals.

(e) The offeror must have a valid Alaska business license at the time designated, in the request for proposals, for opening of the proposals. (§ 2 ch 106 SLA 1986; am § 10 ch 65 SLA 1987; am §§ 7, 8 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989, in subsection (a), rewrote the second sentence and, in the third sentence, substituted "must" for "shall" and inserted "the work to be subcontracted to each subcontractor"; and added subsection (e)."

**Sec. 36.30.250. Award of contract.** (a) The procurement officer shall award a contract under competitive sealed proposals to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the state taking into consideration price and the evaluation factors set out in the request for proposals. Other factors and criteria may not be used in the evaluation. The contract file must contain the basis on which the award is made.

(b) In determining whether a proposal is advantageous to the state, the procurement officer shall take into account, in accordance with regulations of the commissioner, whether the offeror qualifies as an Alaska bidder under AS 36.30.170(b) or is offering the service of an employment program. (§ 2 ch 106 SLA 1986; am § 9 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989, deleted "as defined in AS 36.30.100(c)" at the end of subsection (b).

**Sec. 36.30.265. Multi-step sealed proposals.** When it is considered impractical to initially prepare a definitive purchase description to support an award based on listed selection criteria, the procurement officer may issue an expression of interest requesting the submission of unpriced technical offers, and then later issue a request for proposals limited to the offerors whose offers are determined to be technically qualified under the criteria set out in the expression of interest. (§ 10 ch 102 SLA 1989)

**Effective dates.** — Chapter 102, SLA 1989, which enacted this section, took effect on September 10, 1989.

**Article 4. Other Procurement Methods.**

**Section**  
300. Sole source procurements  
305. Limited competition procurements

**Section**  
320. Small procurements

**Sec. 36.30.300**  
be awarded for  
tion without co  
or other compe  
commissioner.  
when the chief  
procurements f  
portation and p  
one source for t  
procurement n  
exists. The wri  
support by clea  
one source exi  
construction th  
under AS 36.3  
quired by this

(b) The usin  
sole source det  
commissioner  
may also requi  
with an awar

(c) The proci  
to the extent  
state.

(d) Procuren  
mented, aggre  
this section or  
by AS 36.30.10  
SLA 1989)

**Effect of ame**  
amendment, effect  
in subsection (a),  
tion" at the end o  
added "Except fo

**Sec. 36.30.305**  
tract for supp  
contract under  
bidding or co  
tions adopted  
this section on  
under \$100,000  
commissioner  
writing that a  
or competitive  
interest. Proci

**Sec. 36.30.300. Sole source procurements.** (a) A contract may be awarded for supplies, services, professional services, or construction without competitive sealed bidding, competitive sealed proposals, or other competition in accordance with regulations adopted by the commissioner. A contract may be awarded under this section only when the chief procurement officer or, for construction contracts or procurements for the state equipment fleet, the commissioner of transportation and public facilities determines in writing that there is only one source for the required procurement or construction. A sole source procurement may not be awarded if a reasonable alternative source exists. The written determination must include findings of fact that support by clear and convincing evidence the determination that only one source exists. Except for procurements of supplies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a), the authority to make the determination required by this subsection may not be delegated.

(b) The using agency shall submit written evidence to support a sole source determination. The commissioner of administration or the commissioner of transportation and public facilities, as appropriate, may also require the submission of cost or pricing data in connection with an award under this section.

(c) The procurement officer shall negotiate with the single supplier, to the extent practicable, to obtain a contract advantageous to the state.

(d) Procurement requirements may not be artificially divided, fragmented, aggregated or structured so as to constitute a purchase under this section or to circumvent the source selection procedures required by AS 36.30.100 -- 36.30.270. (§ 2 ch 106 SLA 1986; am § 11 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989, in subsection (a), deleted "of administration" at the end of the first sentence and added "Except for procurements of sup-

plies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a)" at the beginning of the last sentence.

**Sec. 36.30.305. Limited competition procurements.** (a) A contract for supplies, services, professional services, or a construction contract under \$100,000, may be awarded without competitive sealed bidding or competitive sealed proposals, in accordance with regulations adopted by the commissioner. A contract may be awarded under this section only when the commissioner, or, for construction contracts under \$100,000 or procurements for the state equipment fleet, the commissioner of transportation and public facilities, determines in writing that a situation exists that makes competitive sealed bidding or competitive sealed proposals impractical or contrary to the public interest. Procurements under this section shall be made with competi-

tion that is practicable under the circumstance. Except for procurements of supplies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a), the authority to make a determination required by this section may not be delegated.

(b) The using agency shall submit written evidence to support a determination under this section.

(c) Procurement requirements may not be artificially divided, fragmented, aggregated, or structured so as to constitute a purchase under this section or to circumvent the source selection procedures required by AS 36.30.100 — 36.30.270.

(d) Sole source procurements may not be made under this section.

(e) Architectural, engineering, and land survey contracts under AS 36.30.270 may not be made under this section. (§ 11 ch 65 SLA 1987; am § 12 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989, in subsection (a), deleted "of administration" at the end of the first sentence and following "commissioner" in the second sentence and added "Except for procure-

ments of supplies, services, or construction that do not exceed the amount for small procurements under AS 36.30.320(a)" at the beginning of the last sentence.

**Sec. 36.30.320. Small procurements.** (a) A procurement for supplies, services, or construction that does not exceed an aggregate dollar amount of \$10,000 may be made in accordance with regulations adopted by the commissioner for small procurements.

(b) A contract for professional services that does not exceed \$25,000 may be made under regulations adopted by the commissioner for small procurements, except that an agency may not contract for the services of legal counsel without the approval of the attorney general.

(c) Small procurements need not be made through competitive sealed bidding or competitive sealed proposals but shall be made with competition that is practicable under the circumstances.

(d) Procurement requirements may not be artificially divided or fragmented so as to constitute a purchase under this section or to circumvent the source selection procedures required by AS 36.30.100 — 36.30.270.

(e) The procurement officer shall give adequate public notice of intent to make a procurement under this section in accordance with regulations adopted by the commissioner. (§ 2 ch 106 SLA 1986; am § 12 ch 65 SLA 1987; am § 13 ch 102 SLA 1989)

**Effect of amendments.** — The 1989 amendment, effective September 10, 1989,

substituted "\$10,000" for "\$5,000" in subsection (a).

Art

Section  
324. Use of Alaska  
332. Classification

**Sec. 36.30.324**  
used whenever  
Alaska produc  
equivalent pr  
SLA 1986; ar

**Effect of ame**  
amendment adde

**Sec. 36.30.324**  
missioner of c  
tions establish  
plies produced  
procurement  
cluded Alaska p  
ucts annually  
appropriate l

(b) Material  
(1) more th  
ufactured in  
(2) 50 perc  
ufactured in t  
(3) 75 perc  
Class III pro

(c) In a bid  
(1) Class I  
(2) Class  
(3) Class II  
SLA 1986; a

**Effect of am**  
amendment, in s  
former first sent  
two sentences a

**Sec. 36.30.324**  
(1) "Alask  
percent of th  
adopted und  
production i  
(2) "produ  
making an i

**Article 5. Preference for Alaska Products.**

<p><b>Section</b> 324. Use of Alaska products 332. Classification of Alaska products</p>	<p><b>Section</b> 338. Definitions</p>
--	--

**Sec. 36.30.324. Use of Alaska products.** Alaska products shall be used whenever practicable in procurements for an agency. Recycled Alaska products shall be used when they are of comparable quality, of equivalent price, and appropriate for the intended use. (§ 2 ch 106 SLA 1986; am § 4 ch 63 SLA 1988)

**Effect of amendments.** — The 1988 amendment added the second sentence.

**Sec. 36.30.332. Classification of Alaska products.** (a) The commissioner of commerce and economic development shall adopt regulations establishing the value added in the state for materials and supplies produced or manufactured in the state that are used in a state procurement and establishing whether a product qualifies as a recycled Alaska product. The commissioner shall publish a list of the products annually. A supplier may request inclusion of its product on the appropriate list.

- (b) Materials and supplies with value added in the state that are
  - (1) more than 25 percent and less than 50 percent produced or manufactured in the state are Class I products;
  - (2) 50 percent or more and less than 75 percent produced or manufactured in the state are Class II products; and
  - (3) 75 percent or more produced or manufactured in the state are Class III products.
- (c) In a bid or proposal evaluation a
  - (1) Class I product is given a three percent preference;
  - (2) Class II product is given a five percent preference;
  - (3) Class III product is given a seven percent preference. (§ 2 ch 106 SLA 1986; am § 15 ch 65 SLA 1987; am § 5 ch 63 SLA 1988)

**Effect of amendments.** — The 1988 amendment, in subsection (a), divided the former first sentence into the present first two sentences and added "and establishing whether a product qualifies as a recycled Alaska product" at the end of the first sentence.

**Sec. 36.30.338. Definitions.** In AS 36.30.322 — 36.30.338

- (1) "Alaska product" means a product of which not less than 25 percent of the value, as determined in accordance with regulations adopted under AS 36.30.332(a), has been added by manufacturing or production in the state;
- (2) "produced or manufactured" means processing, developing, or making an item into a new item with a distinct character and use

through the application within the state of materials, labor, skill, or other services;

(3) "product" means materials or supplies but does not include gravel and asphalt;

(4) "recycled Alaska product" means an Alaska product of which not less than 50 percent of the value of the product consists of a product that was previously used in another product, if the recycling process is done in the state. (§ 2 ch 106 SLA 1986; am § 17 ch 65 SLA 1987; am § 6 ch 63 SLA 1988)

Effect of amendments. — The 1988 amendment added paragraph (4).

Article 6. Contract Formation and Modification.

Section 360. Determination of responsibility	Section 362. Determination to award a contract to a nonresident
---	--

Sec. 36.30.360. Determination of responsibility. (a) A written determination of nonresponsibility of a bidder or offeror shall be made by the procurement officer in accordance with regulations adopted by the commissioner. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility is grounds for a determination of nonresponsibility with respect to the bidder or offeror.

(b) Information furnished by a bidder or offeror under (a) of this section is confidential and may not be disclosed without prior written consent by the bidder or offeror. (§ 2 ch 106 SLA 1986; am § 14 ch 102 SLA 1989)

Effect of amendments. — The 1989 amendment, effective September 10, 1989, substituted "nonresponsibility" for "responsibility" in the first sentence in subsection (a).

Sec. 36.30.362. Determination to award a contract to a nonresident. Except for awards made under AS 36.30.170, if the procurement officer awards a contract to a person who does not reside or maintain a place of business in the state and if the supplies, services, professional services, or construction that is the subject of the contract could have been obtained from sources in the state, the procurement officer shall issue a written statement explaining the basis of the award. The statement required under this section shall be kept in the contract file. (§ 2 ch 106 SLA 1986; am § 15 ch 102 SLA 1989)

Effect of amend amendment, effectiv added "Except for av

Article

Section  
590. Appeal on a p  
645. Written determ  
680. Final decision

Sec. 36.30.59  
sion of a procure  
with the comm  
construction or  
missioner of tre  
filed within 10  
protester shall  
(b) An appea  
36.30.560. In a  
(1) a copy of  
(2) identifica  
form the basis  
SLA 1989)

Effect of amen  
amendment, effecti

Sec. 36.30.6  
administration  
ities shall issu  
must  
(1) state the  
(2) inform th  
the suspended  
(b) A copy of  
otherwise furn  
and any other

Editor's notes.  
out above to corre  
in the main part

Sec. 36.30.6  
by the commis  
portation and  
final. A decisio  
parties by pers  
the commissio

Effect of amendments. — The 1989 amendment, effective September 10, 1989, added "Except for awards made under AS 36.30.170" at the beginning of the first sentence.

*add*

**Article 8. Legal and Contractual Remedies.**

<b>Section</b>	<b>Section</b>
590. Appeal on a protest	685: Judicial appeal
645. Written determinations	690. Exclusive remedy
630. Final decision by the commissioner	

**Sec. 36.30.590. Appeal on a protest.** (a) An appeal from a decision of a procurement officer on a protest may be filed by the protester with the commissioner of administration, or for protests involving construction or procurements for the state equipment fleet, the commissioner of transportation and public facilities. An appeal shall be filed within 10 days after the decision is received by the protester. The protester shall file a copy of the appeal with the procurement officer.

(b) An appeal must contain the information required under AS 36.30.560. In addition, the appeal must include

- (1) a copy of the decision being appealed; and
- (2) identification of the factual or legal errors in the decision that form the basis for the appeal. (§ 2 ch 106 SLA 1986; am § 16 ch 102 SLA 1989)

Effect of amendments. — The 1989 amendment, effective September 10, 1989, substituted "10 days" for "five days" in the second sentence in subsection (a).

**Sec. 36.30.645. Written determinations.** (a) The commissioner of administration or the commissioner of transportation and public facilities shall issue a written decision to debar or suspend. The decision must

- (1) state the reasons for the action taken; and
- (2) inform the debarred person of rights to judicial appeal or inform the suspended person of rights to administrative and judicial appeal.

(b) A copy of the decision under (a) of this section shall be mailed or otherwise furnished immediately to the debarred or suspended person and any other intervening party. (§ 2 ch 106 SLA 1986)

**Editor's notes.** — This section is set out above to correct a typographical error in the main pamphlet.

**Sec. 36.30.680. Final decision by the commissioner.** A decision by the commissioner of administration or the commissioner of transportation and public facilities after a hearing under this chapter is final. A decision shall be sent within 20 days after the hearing to all parties by personal service or certified mail, except that a decision by the commissioner of transportation and public facilities involving pro-

curement of construction shall be sent within 90 days after the hearing to all parties by personal service or certified mail. (§ 2 ch 106 SLA 1986)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Sec. 36.30.685. **Judicial appeal.** (a) A final decision of the commissioner of administration or the commissioner of transportation and public facilities under AS 36.30.610, 36.30.635(a), 36.30.650, or 36.30.680 may be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure.

(b) A final decision of the commissioner of administration or the commissioner of transportation and public facilities under AS 36.30.630(b) may be appealed to the superior court for a trial de novo. (§ 2 ch 106 SLA 1986)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Sec. 36.30.690. **Exclusive remedy.** Notwithstanding AS 44.77 or other law to the contrary, AS 36.30.560 — 36.30.699 and regulations adopted under those sections provide the exclusive procedure for asserting a claim against an agency arising in relation to a procurement under this chapter. (§ 2 ch 106 SLA 1986)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Article 9. Intergovernmental Relations.

Section	employing experts on radiation hazards
730. Supply of personnel, information, and technical services	
735. Restriction on contracting with or	

Sec. 36.30.730. **Supply of personnel, information, and technical services.** (a) A public procurement unit may, upon written request from another public procurement unit or external procurement activity, provide personnel to the requesting public procurement unit or external procurement activity. The public procurement unit or external procurement activity making the request shall pay the public procurement unit providing the personnel the direct and indirect cost of furnishing the personnel, in accordance with an agreement between the parties.

(b) The information procurement unit or external unit or external procurement activity, provide personnel to the requesting public procurement unit or external procurement activity. The public procurement unit or external procurement activity making the request shall pay the public procurement unit providing the personnel the direct and indirect cost of furnishing the personnel, in accordance with an agreement between the parties.

(c) Upon request for procurement of services, among

- (1) standard
- (2) printed
- (3) product
- (4) quality
- (5) qualified
- (6) source in
- (7) common
- (8) supplier
- (9) lists of
- award of state
- (10) forms for
- tions to bidder
- and
- (11) contract
- time of delivery
- (d) The competition
- among others:
- (1) development
- (2) development
- receiving, inspection
- (3) use of personnel
- (4) use of personnel
- (e) The competition
- publish a schedule
- this section.
- (f) The competition
- der (c) and (d)
- annual estimate
- ture to make
- poses of (c) and
- SLA 1987)

(b) The informational, technical, and other services of a public procurement unit may be made available to another public procurement unit or external procurement activity except that the requirements of the public procurement unit tendering the services has precedence over the requesting public procurement unit or external procurement activity. The requesting public procurement unit or external procurement activity shall pay for the expenses of the services so provided, in accordance with an agreement between the parties.

(c) Upon request, the commissioner may make available to public procurement units or external procurement activities the following services, among others:

- (1) standard forms;
- (2) printed manuals;
- (3) product specifications and standards;
- (4) quality assurance testing services and methods;
- (5) qualified products lists;
- (6) source information;
- (7) common use commodities listings;
- (8) supplier performance ratings;
- (9) lists of persons debarred or suspended from consideration for award of state contracts;
- (10) forms for invitations for bids, requests for proposals, instructions to bidders, general contract provisions, and other contract forms; and
- (11) contracts or published summaries of them, including price and time of delivery information.

(d) The commissioner may provide the following technical services, among others:

- (1) development of product specifications;
- (2) development of quality assurance test methods, including receiving, inspection, and acceptance procedures;
- (3) use of product testing and inspection facilities; and
- (4) use of personnel training programs.

(e) The commissioner may enter into contractual arrangements and publish a schedule of fees for the services provided under (c) and (d) of this section.

(f) The commissioner shall separately account for fees collected under (c) and (d) of this section and deposited in the general fund. The annual estimated balance in the account may be used by the legislature to make appropriations to the department to carry out the purposes of (c) and (d) of this section. (§ 2 ch 106 SLA 1986; am § 59 ch 14 SLA 1987)

Editor's notes. — This section is set out above to correct a typographical error in the main pamphlet.

Sec. 36.30.735. Restriction on contracting with or employing experts on radiation hazards. (a) Except for the Department of Health and Social Services, the Department of Labor, the Department of Environmental Conservation, and the Department of Military and Veterans' Affairs, a state agency may not

(1) contract, other than with the Department of Health and Social Services, to have services performed that require expertise in determining or reducing the hazards of radiation; or

(2) employ a person whose duties require expertise in determining or reducing the hazards of radiation.

(b) In this section, "state agency" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the Alaska State Housing Authority, but not including the University of Alaska, a municipality, or an agency of a municipality or the Alaska State Building Authority.

(c) In this section, "radiation" does not include radiation emitted from a Federal Communications Commission licensed facility emitting radiation of a wave length longer than one centimeter and an average power output not exceeding two kilowatts. (§ 2 ch 106 SLA 1986)

Revisor's notes. — Under § 2, ch. 11. "Alaska State Building Authority" in SLA 1989 and AS 01.05.031 "Alaska State Housing Authority" was substituted for 1989.

Article 10. General Provisions.

Section 850. Application of this chapter 990. Definitions

Sec. 36.30.850. Application of this chapter. (a) This chapter applies only to contracts solicited or entered into after January 1, 1988, unless the parties agree to its application to a contract solicited or entered into before that date.

(b) This chapter applies to every expenditure of state money by the state, acting through an agency, under a contract, except that this chapter does not apply to

(1) grants;

(2) contracts for professional witnesses to provide for professional services or testimony relating to existing or probable lawsuits in which the state is or may become a party;

(3) contracts of the University of Alaska where the work is to be performed substantially by students enrolled in the university;

(4) contract (5) acquisition, except e

(6) disposal (7) contract (8) acquisition

to airports or (9) disposal (10) disposal

35.20.060; (11) agreement 47.07; AS 47.47.25.310;

(12) contracts involve special point;

(13) purchase a public corporation

(14) operation 14.16, if the State adopts regulation and contract

(15) a contract powers 14.25.180, AS 22.25.048, AS 39.35.080;

(16) a contract powers of Corporation or

(17) the purchase of art, and other historical, or :

(A) "approved book titles provided to those books titles

(B) "archival materials that are preserved

(C) "audio-visual materials including records, tapes, videos, use of equipment

- (4) contracts for medical doctors and dentists;
- (5) acquisitions or disposals of real property or interest in real property, except as provided in AS 36.30.080;
- (6) disposals under AS 38.05;
- (7) contracts for the preparation of ballots under AS 15.15.030;
- (8) acquisitions or disposals of property and other contracts relating to airports under AS 02.15.070, 02.15.090, and 02.15.091;
- (9) disposals of obsolete property under AS 19.05.060;
- (10) disposals of obsolete material or equipment under AS 35.20.060;
- (11) agreements with providers of services under AS 44.47.250; AS 47.07; AS 47.08; AS 47.10; AS 47.17; AS 47.24; AS 47.25.195, and 47.25.310;
- (12) contracts of the Department of Fish and Game for flights that involve specialized flying and piloting skills and are not point-to-point;
- (13) purchases of income-producing assets for the state treasury or a public corporation of the state;
- (14) operation of the state boarding school established under AS 14.16, if the State Board of Education or the commissioner of education adopts regulations for use by the state boarding school in procurement and contracting;
- (15) a contract that is a delegation, in whole or in part, of investment powers held by the commissioner of revenue under AS 14.25.180, AS 14.40.400, AS 14.42.200, 14.42.210, AS 18.56.095, AS 22.25.048, AS 26.05.228, AS 37.10.070, 37.10.071, AS 37.14, or AS 39.35.080;
- (16) a contract that is a delegation, in whole or in part, of investment powers of the Board of Trustees of the Alaska Permanent Fund Corporation under AS 37.13;
- (17) the purchase of books, book binding services, newspapers, periodicals, audio-visual materials, network information services access, approval plans, professional memberships, archival materials, objects of art, and items for museum or archival acquisition having cultural, historical, or archaeological significance; in this paragraph
  - (A) "approval plans" means book selection services in which current book titles meeting an agency's customized specifications are provided to the agency subject to the right of the agency to return those books that do not meet with the agency's approval;
  - (B) "archival materials" means the noncurrent records of an agency that are preserved after appraisal because of their value;
  - (C) "audio-visual materials" means nonbook prerecorded materials, including records, tapes, slides, transparencies, films, filmstrips, cassettes, videos, compact discs, laser discs, and items that require the use of equipment to render them usable;

(D) "network information services" means a group of resources from which cataloging information, holdings records, inter-library loans, acquisitions information, and other reference resources can be obtained;

(18) contracts for the purchase of standardized examinations for licensure under AS 08;

(19) contracts for home health care and adult residential and foster care services provided under regulations adopted by the Department of Health and Social Services;

(20) contracts for supplies or services for research projects funded by money received from the federal government or private grants; or

(21) guest speakers or performers for an educational or cultural activity.

(c) Except for AS 36.30.700 — 36.30.790, this chapter does not apply to contracts between two or more agencies, the state and its political subdivisions, or the state and other governments.

(d) Nothing in this chapter or in regulations adopted under this chapter prevents an agency or political subdivision from complying with the terms and conditions of a grant, gift, bequest, cooperative agreement or federal assistance agreement.

(e) AS 36.30.170 applies to all insurance contracts involving state money. In this subsection, "state money" includes state grants and reimbursement to municipalities, school districts, and other entities. (§ 2 ch 106 SLA 1986; am §§ 21, 22 ch 65 SLA 1987; am § 1 ch 38 SLA 1988; am § 5 ch 73 SLA 1988; am § 18 ch 141 SLA 1988; am §§ 17, 18 ch 102 SLA 1989)

\* *add*

Revisor's notes. — Paragraphs (b)(15) — (17) were enacted as (b)(14), (15), and (14), respectively. Renumbered in 1988.

Effect of amendments. — The first 1988 amendment inserted subsection (b)(17).

The second 1988 amendment inserted subsection (b)(14).

The third 1988 amendment, effective June 9, 1988, inserted subsections (b)(15) and (b)(16).

The 1989 amendment, effective Septem-

ber 10, 1989, in subsection (b), substituted "money" for "funds, irrespective of their sources, including federal assistance except as otherwise specified in AS 36.30.890" in the introductory language, inserted "AS 44.47.250" in paragraph (11) and added paragraphs (18) — (21); and divided subsection (e) into two sentences, substituting "In this subsection, 'state money' includes" for "Including" at the beginning of the present second sentence.

Sec. 36.30.990. Definitions. In this chapter, unless the context in which a term is used clearly requires a different meaning or a different definition is prescribed for a particular provision,

(1) "agency" means a department, institution, board, commission, division, authority, public corporation, the Alaska Pioneers' Home, or other administrative unit of the executive branch of state government, except for the University of Alaska, the Alaska State Housing Authority and the Alaska Railroad Corporation; it does not include a

regional Nativ regional electr

(2) "change ment officer, changes clause order without

(3) "commis: Administration

(4) "competi 36.30.100 — §

(5) "competi 36.30.200 — §

(6) "construc ing, maintaini

ture, building, erty other tha

agencies; it ir planning and

the routine op does it includ

(7) "contract what they may

equipment for struction;

(8) "contracti tions, delivery

quantity, or o action of the

(9) "departn (10) "employ

employment of abilities that

(11) "grant" personal, desi,

grant;

(12) "person other organiza

(13) "procur otherwise acqu

or constructor of a supply, e

including des sources, prepa

administrator (14) "procur

and administe

regional Native housing authority created under AS 18.55.996, or a regional electrical authority created under AS 18.57.020;

(2) "change order" means a written order signed by the procurement officer, directing the contractor to make changes that the changes clause of the contract authorizes the procurement officer to order without the consent of the contractor;

(3) "commissioner" means the commissioner of the Department of Administration;

(4) "competitive sealed bidding" means the procedure under AS 36.30.100 — 36.30.190;

(5) "competitive sealed proposals" means the procedure under AS 36.30.200 — 36.30.260;

(6) "construction" means the process of building, altering, repairing, maintaining, improving, or demolishing a public highway, structure, building, or other public improvement of any kind to real property other than privately owned real property leased for the use of agencies; it includes services and professional services relating to planning and design required for the construction; it does not include the routine operation of a public improvement to real property nor does it include the construction of public housing;

(7) "contract" means all types of state agreements, regardless of what they may be called, for the procurement or disposal of supplies, equipment for the state fleet, services, professional services, or construction;

(8) "contract modification" means a written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of a contract accomplished by mutual action of the parties to the contract;

(9) "department" means the Department of Administration;

(10) "employment program" means a nonprofit program to increase employment opportunities for individuals with physical or mental disabilities that constitute substantial handicaps to employment;

(11) "grant" means property furnished by the state, whether real or personal, designated by law, including an appropriation Act, as a grant;

(12) "person" means a business, individual, union, committee, club, other organization, or group of individuals;

(13) "procurement" means buying, purchasing, renting, leasing, or otherwise acquiring supplies, equipment for the state fleet, services, or construction; it also includes functions that pertain to the obtaining of a supply, equipment for the state fleet, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration;

(14) "procurement officer" means a person authorized to enter into and administer contracts for an agency and make written determina-

tions with respect to them; it also includes an authorized representative of a procurement officer acting within the limits of authority;

(15) "professional services" means professional, technical, or consultant's services that are predominantly intellectual in character, result in the production of a report or the completion of a task, and include analysis, evaluation, prediction, planning, or recommendation;

(16) "services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance; it does not include employment agreements or collective bargaining agreements;

(17) "state money" means any money appropriated to an agency or spent by an agency irrespective of its source, including federal assistance except as otherwise specified in AS 36.30.890, but does not include money held in trust by an agency for a person;

(18) "supplies" means all property of an agency, including equipment, materials, and insurance; it includes privately owned real property leased for the use of agencies, such as office space, but does not include the acquisition or disposition of other interests in land. (§ 2 ch 106 SLA 1986; am § 19 ch 102 SLA 1989)

Revisor's notes. — Paragraphs (10) and (17) were enacted as (17) and (18) respectively. Renumbered in 1989, at which time the remaining paragraphs were renumbered accordingly.

Effect of amendments. — The 1989 amendment, effective September 10, 1989, added present paragraphs (10) and (17).

### Chapter 95. General Provisions.

#### Sec. 36.95.010. Definitions.

##### NOTES TO DECISIONS

Quoted in Municipality of Anchorage v. Tatco, Inc., Sup. Ct. Op. No. 3438 (File No. S-2697), P.2d (1989).

**Chapter**

- 05. Fiscal Pro
- 07. Executive
- 10. Public F
- 13. Alaska re
- 14. Trust Fur
- 15. Bonding (

**Ch**

**Article**

- 6. Special Fund:

**Section**

- 500. Special func

**Sec. 37.05.:**

- treated for ac
- (1) FICA ac
- (2) special i
- (3) [Repeale
- (4) second i
- (5) the voca
- ing fund (AS
- (6) fisherme
- (b) There sh
- designated in
- nue received
- (§ 1 ch 5 SL

Editor's notes out to incorporate by the Revisor o

→ Hearing interview | clean-up

→ see 1 + 2

Q: RR in code

took RR out / engine in code

→ like to go out / transportation left then out

→ purposes

→ not exempted from bidding

→ SB 120 - took provisions out

put back in after hearing - SA 4

thing SA passed out

removed 115'  
PT 7 OFFER 02 -

→