



# LAWS OF ALASKA

1975

Source

Chapter No.

SCS CSHB 429 am S

216

## AN ACT

Relating to the public facility procurement policy of the state; and providing for an effective date.

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

\* Section 1. AS 35.10 is amended by adding new sections to read:

#### ARTICLE 5. PUBLIC FACILITY PROCUREMENT POLICY.

Sec. 35.10.160. FINDINGS AND PURPOSE. The legislature finds that since the needs of the state for physical facilities of all kinds are diverse the planning, design and construction of public facilities should be executed in accordance with facility procurement policies development by the Department of Public Works and reviewed annually by the legislature.

Sec. 35.10.170. DUTIES OF DEPARTMENT. In addition to other duties prescribed by statute, the department shall

(1) develop facility procurement policies for the planning, design, construction, maintenance and operation of public facilities of the state;

(2) develop and maintain an inventory of physical facilities currently owned or occupied by the state;

(3) make projections of future public facility needs of the state, analyze facilities needed, and establish methodology for program planning and facilities project planning, design and construction;

(4) engage in experimental projects as necessary relating to any available or future method of facility procurement, design or construction and any method of

improving existing design, planning and construction techniques;

(5) develop life cycle costs of public facilities of the state;

(6) develop life cycle costing methodologies for the following special purposes:

(A) budget forecasting to support facility program planning and analysis,

(B) systematic cost estimating to forecast planning, design and construction,

(C) budget forecasting to support development of annual maintenance and operating strategies and life cycle cost plans,

(D) alternative methods of space acquisition and space equalization which will maximize the effectiveness of public funds;

(7) apply for and accept, on behalf of the state, grants from the federal government or an agency of it or from another state foundation, corporation, association or individual for any of the functions or purposes of the department and may expend any of the money received under this section for any of the functions or purposes.

Sec. 35.10.180. PHYSICAL FACILITY PROCUREMENT AND PLANNING POLICIES. (a) The department shall develop and keep current by periodic revision physical facility procurement and planning policies for rural schools, public buildings, and other state facilities, and shall develop regulations and guidelines for the implementation of these policies.

(b) In developing and revising these policies the department shall seek public review and evaluation by any reasonable means and shall

(1) consult and cooperate with officials of the federal government, local governments, other political subdivisions of the state and other interested persons regarding physical facility procurement planning;

(2) request and receive from an agency or other unit of the state government the assistance and data needed to carry out the requirements of this section.

(c) The commissioner shall submit copies of proposed policies and plans annually, within 10 days after the legislature convenes, to the legislature. The legislature may approve, reject or modify the policies and plans by concurrent resolution. If the legislature fails to act during the legislative session, the policies and plans are approved.

Sec. 35.10.190. COORDINATION BY DEPARTMENT. (a) The department shall coordinate the procurement of physical facilities for the state to insure the greatest cost savings

of planning, design and contractual techniques.

(b) When the state or an agency of the state determines that a public facility is to be constructed or renovated, it shall, unless exempted by regulations of the department, submit to the department an application for a certificate that the proposed facility complies with adopted facility procurement policies. The department may reject the application but if it does so it shall state in writing the reasons for the rejection. If a written statement that the application is rejected does not issue within 30 days after receipt of the application by the department, unless the department and the applicant have agreed upon an extension of time for consideration, the certificate of compliance shall not be required. Except as provided otherwise by regulation or by this section, no public facility of the state may be constructed or renovated by the state unless a certificate that the facility complies with adopted facility procurement has been issued.

Sec. 35.10.200. DEFINITIONS. In secs. 160 - 200 of this chapter,

(1) "life cycle costs" means analytic techniques which provide data to describe the first cost of procurement of public facilities and the maintenance cost, operation cost and occupancy cost of the facilities;

(2) "policies" includes but is not limited to budget accounting and cost planning techniques, facility design techniques, and contractual techniques for the procurement of labor, materials and contractual services;

(3) "public facilities" does not include highways or vessels of the marine highway system.

\* Sec. 2. There is within the Department of Public Works a public facility procurement planning fund. The fund is a working capital reserve fund and consists of money appropriated by the legislature for the purpose of providing procurement planning working capital and is available on a reimbursable basis for procurement planning. The fund shall be used by the commissioner to develop facility procurement planning methodologies for submission for review by the legislature by January 1, 1976. The commissioner shall prepare a report delineating the various procurement policies which shall govern the expenditures of capital funds by the state and shall delineate the amounts of preplanning funds necessary for the implementation of these policies.

\* Sec. 3. AS 35.05.040 is amended by adding a new paragraph to read:

(10) procure directly materials, labor and contractual services for planning, designing and constructing public facilities of the state.

\* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).