



LAWS OF ALASKA

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Source

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Chapter No.

98

AN ACT

Relating to the handling of and interest on contract controversies involving the Department of Transportation and Public Facilities or state agencies to whom the Department of Transportation and Public Facilities delegates the responsibility for handling the controversies.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: July 10, 2001

Actual Effective Date: October 8, 2001

AN ACT

1 Relating to the handling of and interest on contract controversies involving the Department of
2 Transportation and Public Facilities or state agencies to whom the Department of
3 Transportation and Public Facilities delegates the responsibility for handling the
4 controversies.

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6 * **Section 1.** AS 36.30 is amended by adding a new section to read:

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Sec. 36.30.623. Interest on certain controversies. The amount ultimately determined to be due under AS 36.30.620 - 36.30.630 and 36.30.670 - 36.30.685 to a department contractor, the department, or a contracting agency to whom the responsibility for handling the controversy is delegated by the department under AS 36.30.632 accrues interest at the rate applicable to judgments under AS 09.30.070(a). Notwithstanding AS 09.30.070(b), the interest accrues from the date that a complete claim is filed that meets the requirements of AS 36.30.620(a) through the date of a decision by the procurement officer under AS 36.30.620, a decision by

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1 the commissioner of transportation and public facilities under AS 36.30.680, or a
2 judicial decision under AS 36.30.685, whichever decision is latest. In this section,
3 "department" means the Department of Transportation and Public Facilities.

4 * Sec. 2. AS 36.30.625(a) is amended to read:

5 (a) An appeal from a decision of the procurement officer on a contract
6 controversy may be filed by the contractor with the commissioner of administration [,]
7 or, for a controversy involving a construction contract or procurement for the state
8 equipment fleet, the commissioner of transportation and public facilities. The appeal
9 shall be filed within 14 days after the decision is received by the contractor. An
10 appeal by a contractor of the Department of Transportation and Public Facilities
11 may not raise any new factual issues or theories of recovery that were not
12 presented to and decided by the procurement officer in the decision under
13 AS 36.30.620(b), except that a contractor may increase the contractor's
14 calculation of damages if the increase arises out of the same operative facts on
15 which the original claim was based. The contractor shall file a copy of the appeal
16 with the procurement officer.

17 * Sec. 3. AS 36.30.625 is amended by adding a new subsection to read:

18 (c) The Department of Transportation and Public Facilities, or a contracting
19 agency to whom the responsibility for handling the controversy is delegated by the
20 Department of Transportation and Public Facilities under AS 36.30.632, shall handle
21 the appeal of a controversy under this section expeditiously.

22 * Sec. 4. The uncodified law of the State of Alaska is amended by adding a new section to
23 read:

24 APPLICABILITY. (a) AS 36.30.623 and 36.30.625(c), added by this Act,
25 and AS 36.30.625(a), as amended by this Act, apply to controversies for which a claim is filed
26 with an agency under AS 36.30.620 on or after the effective date of this Act.

27 (b) In this section, "agency" means the Department of Transportation and Public
28 Facilities or a state agency to whom the responsibility for handling the controversy is
29 delegated by the Department of Transportation and Public Facilities under AS 36.30.632.