HOUSE BILL NO. 50

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KITO

Introduced: 1/18/17
Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to the procurement of architectural, engineering, or land surveying services for state-funded contracts."

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

* Section 1. AS 36.90 is amended by adding a new section to article 2 to read:

Sec. 36.90.110. Procurement of architectural, engineering, or land surveying state-funded contracts. (a) If a contracting person procures architectural, engineering, or land surveying services for a state-funded contract, the contracting person shall, when selecting the contractor, negotiate with the most qualified and suitable professional person of demonstrated competence to perform the services. The contracting person shall award the contract for those services at fair and reasonable compensation as determined by the contracting person after consideration of the estimated value of the services to be rendered and the scope, complexity, and professional nature of the services. When determining the most qualified and suitable professional person to be awarded the contract, the contracting person shall consider
the proximity to the project site of the office of the professional person unless federal law prohibits this factor from being considered in the awarding of the contract.

(b) If negotiations with the most qualified and suitable professional person under (a) of this section are not successful, the contracting person shall negotiate a contract with other qualified professional persons of demonstrated competence, in order of the ranking of the proposals by the contracting person.

(c) The contracting person may reject all or part of a proposal submitted under this section.

(d) This section does not apply to contracts awarded in a situation of public necessity if the contracting person certifies in writing that a situation of public necessity exists.

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

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

(g) In this section,

(1) "contracting person" means a grant recipient, a municipality, or a school district that procures services for a state-funded contract; in this paragraph,

(A) "grant recipient" means a grant recipient under AS 37.05.315 - 37.05.317;

(B) "school district" means a borough school district, a city school district, or a regional educational attendance area;

(2) "professional person" means a person who provides architectural,
engineering, or land surveying services;

(3) "state-funded" means paid for entirely or partially by money received from the state government.