

HOUSE BILL NO. 160

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/31/21

Referred: Transportation

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the state procurement code; establishing the construction manager
2 general contractor procurement method; and providing for an effective date."

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

4 * **Section 1.** AS 36.30.200(c) is amended to read:

5 (c) When the commissioner of transportation and public facilities determines
6 that it is advantageous to the state, a procurement officer may issue a request for
7 proposals requesting the submission of offers to provide

8 (1) construction in accordance with a design provided by the offeror;
9 the [. THE] request for proposals must require that each proposal submitted contain a
10 single price that includes the design-build; or

11 (2) preconstruction and construction services under a single
12 construction manager general contractor contract awarded under AS 36.30.309.

13 * **Sec. 2.** AS 36.30.250 is amended by adding a new subsection to read:

14 (c) Notwithstanding (a) of this section, the Department of Transportation and

1 Public Facilities may exclude price as an evaluation factor when awarding a
2 construction manager general contractor contract under AS 36.30.309.

3 * **Sec. 3.** AS 36.30 is amended by adding a new section to read:

4 **Sec. 36.30.309. Preconstruction services; construction manager general**
5 **contractor contract.** (a) The Department of Transportation and Public Facilities may
6 award a construction manager general contractor contract in which the department
7 awards a two-phase contract for a construction manager responsible for providing
8 preconstruction services during the design phase of the project and, if an agreed price
9 for constructing the project is reached, general contractor services during the
10 construction phase through the competitive sealed proposal process. The department
11 shall award the contractor providing preconstruction services with a contract to
12 provide construction services without any further competitive sealed bidding or
13 competitive sealed proposal process in accordance with this section and regulations
14 adopted by the commissioner of transportation and public facilities.

15 (b) A contractor awarded a construction manager general contractor contract
16 under this section is responsible for providing preconstruction services for the
17 applicable project. Once awarded a construction manager general contractor contract,
18 the contractor has the right to negotiate with the Department of Transportation and
19 Public Facilities to provide construction services for the applicable project. If the
20 contractor and the department reach an agreed upon price for the construction project,
21 the department shall award the contractor the contract to provide construction services.

22 (c) If the contractor providing preconstruction services and the Department of
23 Transportation and Public Facilities do not agree on a price for providing construction
24 services, the department may seek an alternative contractor using a process authorized
25 under this chapter. The department may prohibit the contractor providing
26 preconstruction services from participating in this subsequent process.

27 * **Sec. 4.** AS 36.30.990 is amended by adding a new paragraph to read:

28 (28) "preconstruction services" means information, research, advice,
29 and related tasks regarding the impacts of design on the physical construction of a
30 project; "preconstruction services" does not include architectural, engineering, or land
31 surveying services.

1 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS. The Department of Transportation and Public
4 Facilities may adopt regulations necessary to implement the changes made by this Act. The
5 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
6 effective date of this Act.

7 * **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).