

CS FOR HOUSE BILL NO. 160(TRA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Offered: 4/28/21

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

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] request for proposals **issued under this paragraph** must require that each
10 proposal submitted contain a 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 by competitive sealed proposals a construction manager general contractor
7 contract in which the department awards a two-phase contract for a construction
8 manager to be responsible for providing preconstruction services during the design
9 phase of the project and, if an agreed-on price for constructing the project is reached,
10 general contractor services during the construction phase. The department may award
11 the contractor providing preconstruction services under the contract with the second
12 phase of the contract to provide construction services in accordance with this section
13 and regulations adopted by the commissioner of transportation and public facilities
14 without any further competitive sealed bidding or competitive sealed proposal process.

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 may negotiate with the department to provide construction services for
19 the applicable project. If the contractor and the department reach an agreed-on price
20 for the construction services under the second phase of the contract, the department
21 shall award the contractor phase two of the contract to provide construction services.

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

27 (d) In this section, "department" means the Department of Transportation and
28 Public Facilities.

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

30 (28) "preconstruction services" means information, research, advice,
31 and related tasks regarding the impacts of design on the physical construction of a

1 project; "preconstruction services" does not mean architectural, engineering, or land
2 surveying services.

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

5 TRANSITION: REGULATIONS. The Department of Transportation and Public
6 Facilities may adopt regulations necessary to implement the changes made by this Act. The
7 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the
8 effective date of secs. 1 - 4 of this Act.

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