

# THE MINI-BROOKS ACT: ALASKA GOVERNMENT SELECTION OF ARCHITECTS, ENGINEERS AND LAND SURVEYING

## **AS 36.30.270. Architectural, Engineering, and Land Surveying Contracts**

**(a)** Notwithstanding conflicting provisions of AS [36.30.100](#) - [36.30.260](#), a procurement officer shall negotiate a contract for an agency with the most qualified and suitable firm or person of demonstrated competence for architectural, engineering, or land surveying services. The procurement officer shall award a contract for those services at fair and reasonable compensation as determined by the procurement officer, 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 firm or person, the procurement officer shall consider the

**(1)** proximity to the project site of the office of the firm or person unless federal law prohibits this factor from being considered in the awarding of the contract; and

**(2)** employment practices of the firm or person with regard to women and minorities.

**(b)** If negotiations with the most qualified and suitable firm or person under (a) of this section are not successful, the procurement officer shall negotiate a contract with other qualified firms or persons of demonstrated competence, in order of public ranking. The procurement officer may reject all or part of a proposal.

**(c)** This section does not apply to contracts awarded in a situation of public necessity if the procurement officer certifies in writing that a situation of public necessity exists.

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

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