



## CITY OF WASILLA

290 E. HERNING AVE.  
WASILLA, ALASKA 99687  
PHONE: (907) 373-9050  
FAX: (907) 373-0788

COUNCIL MEMORANDUM NO. 91-100

FROM: Deputy Administrator

DATE: December 12, 1991

RE: Special Council Meeting  
Sewer System Engineering Services

In accordance with Council direction, Administration drafted an advertisement for letters of interest and qualifications for engineering services for the new sewage treatment facilities. Jack Felton was asked to review the draft document and indicated surprise at the process which the City was undertaking. His rationale for his surprise includes information and professional opinion sufficiently significant that Administration feels that Council should be made aware of prior to proceeding further.

Attached for Council information is a copy of the proposed advertisement and an extract of State Statutes pertaining to selection of engineering firms for professional services.

In light of the additional information, Council may wish to change the present guidance to Administration.

---

Robert E. Harris  
Deputy Administrator

DISPLAY  
ADVERTISEMENT

PUBLISHER:	DATE OF ORDER:
	DATES ADVERTISEMENT REQUIRED:  The material below the double lines must be printed in its entirety on the dates shown
ORDERED BY:  City of Wasilla 290 E. Herning Avenue Wasilla, Alaska 99687	AFFIDAVIT-OF-PUBLICATION REQUIRED WITH EVERY BILLING

ENGINEERING SERVICES

CITY OF WASILLA

The City of Wasilla is requesting Letters of Interest and Statements of Qualifications to provide engineering services to the City. The project involves design, contract administration and start-up services for a Recirculating Granular Media Filter sewage treatment system. Construction costs are estimated to be between \$1 million to \$2 million. The City will require the consultant to maintain errors and omissions insurance. The consultant selection committee will review submittals and request proposals from a short list. Interested firms should emphasize recent experience designing recirculating granular media filter treatment systems.

Respondents are requested to keep replies to not more than four (4) pages prepared in five (5) copies and delivered to the city offices at 290 E. Herning Avenue, Wasilla, Alaska 99654 not later than 5:00 p.m. Monday, December 23, 1991.

ment officer  
competing  
posals con-  
prepared in  
The regis-  
ne notice of  
the extent  
curs, trade  
posal docu-

and revi-  
posals, and  
ns may be  
determined  
or the pur-  
responsive-  
susceptible  
treatment  
ion of pro-  
and before  
t and final  
ay not dis-  
mpeting of-  
rors under

ent officer  
to the re-  
ed in writ-  
sideration  
proposals.  
ation. The  
l is made.  
o the state,  
alance with  
ifies as an  
vices of an  
n 106 SLA

**Sec. 36.30.260. Contract execution.** A contract awarded under competitive sealed proposals must contain

- (1) the amount of the contract stated on its first page;
- (2) the date for the supplies to be delivered or the dates for construction, services, or professional services to begin and be completed;
- (3) a description of the supplies, construction, services, or professional services to be provided; and
- (4) certification by the project director for the contracting agency, the head of the contracting agency, or a designee that sufficient funds are available in an appropriation to be encumbered for the amount of the contract. (§ 2 ch 106 SLA 1986)



**Sec. 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. (§ 2 ch 106 SLA 1986)

Cross references. — For professional registration requirements for contracts under this section, see AS 36.90.100.

**Article 4. Other Procurement Methods.**

<b>Section</b>	<b>Section</b>
300. Sole source procurements	310. Emergency procurements
305. Limited competition procurements	320. Small procurements

Effective date of article. — Section 69, ch. 106, SLA 1986, as amended by § 27, ch. 65, SLA 1987, provides that this article takes effect January 1, 1988.

**Sec. 36.30.300. Sole source procurements.** (a) A contract may be awarded for supplies, services, professional services, or construction without competitive sealed bidding, competitive sealed proposals, or other competition in accordance with regulations adopted by the commissioner of administration. A contract may be awarded under this section only when the chief procurement officer or, for construction contracts or procurements for the state equipment fleet, the commissioner of transportation and public facilities determines in writing that there is only one source for the required procurement or construction. A sole source procurement may not be awarded if a reasonable alternative source exists. The written determination must include findings of fact that support by clear and convincing evidence the determination that only one source exists. The authority to make the determination required by this subsection may not be delegated.

(b) The using agency shall submit written evidence to support a sole source determination. The commissioner of administration or the commissioner of transportation and public facilities, as appropriate, may also require the submission of cost or pricing data in connection with an award under this section.

(c) The procurement officer shall negotiate with the single supplier, to the extent practicable, to obtain a contract advantageous to the state.

(d) Procurement requirements may not be artificially divided, fragmented, aggregated or structured so as to constitute a purchase under this section or to circumvent the source selection procedures required by AS 36.30.100 — 36.30.270. (§ 2 ch 106 SLA 1986)

**Sec. 36.30.305**  
tract for supplies  
contract under \$1  
bidding or competi  
tions adopted by  
be awarded unde  
istration, or, for  
ments for the sta  
tion and public fa  
that makes comp  
impractical or c  
this section shall  
the circumstance  
this section may

(b) The using  
determination u

(c) Procureme  
mented, aggreg  
this section or t  
by AS 36.30.10

(d) Sole sourc  
(e) Architectu  
36.30.270 may

Effective dates.  
SLA 1987, provides  
effect January 1,

**Sec. 36.30.3**  
be made unde  
adopted by the  
health, welfare  
curement thro  
proposals impr  
public or priva  
made through  
posals but sha  
the circumstar  
cer of the basi  
lar contractor  
mination must  
(§ 2 ch 106 S