

3 AAC 99.230(c) is amended to read:

(c) The amount of the authority's participation in a real property loan will not exceed **\$25,000,000** [\$20,000,000], except that the authority may participate in a real property loan in an amount greater than **\$25,000,000** [\$20,000,000], if the loan is for the financing of a qualified energy development and if the legislature has approved the authority's participation. The principal amount of a real property loan may not exceed 75 percent of the appraised value of the collateral offered as security for the loan unless the amount of the real property loan in excess of this limit is federally insured or guaranteed or is insured by a qualified mortgage insurance company, except that in no event may the real property loan to be purchased under this section exceed the total of loan proceeds used to refinance an existing debt plus the cost of new construction, expansion, or acquisition, unless the additional amounts of the loan to be purchased are restricted to uses approved by the authority to finance commercial activity in the state by a business enterprise. In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 7/19/91, Register 119; am 12/2/94, Register 134; am 2/11/99, Register 150; am 11/1/99, Register 153; am 2/8/2001, Register 158; am 8/8/2003, Register 168; am 4/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority:     AS 44.88.080     AS 44.88.085     AS 44.88.155

3 AAC 99.330(c) is amended to read:

(c) The amount of the authority's participation in a real property loan will not exceed **\$25,000,000** [\$20,000,000], except that the authority may participate in a real property loan in an amount greater than **\$25,000,000** [\$20,000,000], if the loan is for the financing of a qualified energy development and if the legislature has approved the authority's participation. The principal

amount of a real property loan may not exceed 75 percent of the appraised value of the collateral offered as security for the loan unless the amount of the real property loan in excess of this limit is federally insured or guaranteed or is insured by a qualified mortgage insurance company, except that in no event may the real property loan to be purchased under this section exceed the total of loan proceeds used to refinance an existing debt plus the cost of new construction, expansion, or acquisition, unless the additional amounts of the loan to be purchased are restricted to uses approved by the authority to finance commercial activity in the state by a business enterprise. In effect before 1988; am 1/11/88, Register 106; am 11/30/90, Register 118; am 7/19/91, Register 119; am 9/25/92, Register 124; am 12/2/94, Register 134; am 2/11/99, Register 150; am 2/8/2001, Register 158; am 8/8/2003, Register 168; am 4/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority:    [AS 44.88.080](#)    [AS 44.88.085](#)    [AS 44.88.155](#)

3 AAC 99.550 is amended to read:

The authority will not issue bonds in an amount greater than **\$25,000,000** [\$10,000,000] to assist in the acquisition, financing, or operation of a development project without prior legislative approval. Eff. 1/11/88, Register 106; am 11/30/90, Register 118; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority:    [AS 44.88.080](#)    [AS 44.88.085](#)    [AS 44.88.090](#)    [AS 44.88.172](#)

3 AAC 100.050(b)(4)-(5)-(9)-(10) is amended to read:

(b)    This chapter applies to the expenditure of the authority's funds under a contract, except that this chapter does not apply to

- (1) transactions of the types listed as exempt under AS 36.30.850(b);
- (2) loans, loan guarantees, bonds, bond guarantees, or other indebtedness of the authority;
- (3) contracts that delegate, in whole or in part, the authority's investment powers or fiduciary duties with respect to investments;
- (4) contracts to finance or acquire a development project under AS 44.88.172, or contracts with an agent or other person to operate or manage a development project under AS 44.88.172, **or contracts to assist in financing or developing a qualified energy development by any means authorized under AS 44.88.680(a)(1), (2), (4) or (5), or contracts to assist in financing or developing an Arctic infrastructure development by any means authorized under AS 44.88.830(a)(1), (2), (4) or (5);**
- (5) expenditures **by or for the benefit** of a partner, developer, limited liability company, or other entity participating with the authority in the financing or development of a project or qualified energy development **or Arctic infrastructure development**, whether through a public-private partnership agreement or otherwise, unless expressly adopted in the agreement between the authority and the partner, developer, limited liability company, or other entity;
- (9) transactions relating to the operation and protection of assets or disposals of property, equipment, or supplies acquired after default under, or a termination of, a contract regarding a development project under AS 44.88.172 or a qualified energy development under AS 44.88.680 **or an Arctic infrastructure development under AS 44.88.830; or**

**(10) transactions involving or for the benefit of any subsidiary entity of the authority that is part of a development project under AS 44.88.172 or a qualified energy development under AS 44.88.680 or an Arctic infrastructure development under AS 44.88.830.** Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: [AS 36.30.015](#) [AS 44.88.050](#) [AS 44.88.080](#)

3 AAC 100.240 (a) is amended to read:

(a) A **proposal must be submitted with the request for proposal number clearly identified. The rest of the proposal must be in a form that cannot be viewed by the procurement officer until after the closing date of the request for proposal.** [BID SUBMITTED ON PAPER MUST BE SUBMITTED IN A SEALED ENVELOPE WITH THE COMPETITIVE PROPOSAL IDENTIFIED ON THE OUTSIDE OF THE ENVELOPE]. Upon receipt, the **proposal** [BID] and any **proposal** [BID] corrections shall be stored in a secure place [UNTIL THE TIME AND DATE SET FOR BID OPENING]. Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: [AS 36.30.015](#) [AS 44.88.080](#)

3 AAC 100.360 (a) is amended to read:

(a) A **proposal must be submitted with the request for proposal number clearly identified. The rest of the proposal must be in a form that cannot be viewed by the procurement officer until after the closing date of the request for proposal.** [BID SUBMITTED ON PAPER MUST BE SUBMITTED IN A SEALED ENVELOPE WITH THE COMPETITIVE PROPOSAL IDENTIFIED ON THE OUTSIDE OF THE ENVELOPE]. Upon

receipt, the **proposal** [BID] and any **proposal** [BID] corrections shall be stored in a secure place [UNTIL THE TIME AND DATE SET FOR BID OPENING]. Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: AS 36.30.015      AS 44.88.080

3 AAC 100.370 (b) is amended to read:

(b) A [THE PROCUREMENT OFFICER, OR A] procurement evaluation committee consisting of at least **three** [THE PROCUREMENT OFFICER AND TWO OTHER] authority employees, shall evaluate proposals. Other authority employees, public officials, experts, or representatives of participating organizations may be added as appropriate if there is no conflict of interest and the procurement evaluation committee is made up of at least **three** [THE PROCUREMENT OFFICER AND TWO] employees of the authority. Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: AS 36.30.015      AS 44.88.080

3 AAC 100.460 (b)-(c)-(d) is amended to read:

(b) The authority will use reasonable and adequate procedures, and make records that facilitate auditing of the procurement, when procuring supplies, services, professional services, or construction estimated to cost not more than **\$10,000** [\$5,000].

(c) The authority will use the following procedures in the procurement of supplies, services, professional services, or construction estimated to cost more than **\$10,000** [\$5,000] but not more than **\$50,000** [\$25,000]:

(d) The authority will use the following procedures for the procurement of supplies, services, professional services, or construction estimated to cost more than **\$50,000** [\$25,000], but not more than \$100,000; **or for construction estimated to cost more than \$50,000, but not more than \$200,000**: Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: [AS 36.30.015](#)      [AS 44.88.080](#)

3 AAC 100.490 (a)-(2) is amended to read:

(2) for a contract where the total cost is not more than **\$10,000** [\$5,000] and the price is fair and reasonable; Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: [AS 36.30.015](#)      [AS 44.88.080](#)

3 AAC 100.580 (a)-(c)-(d) is amended to read:

(a) An interested party shall attempt to informally resolve any protest with the procurement officer regarding a procurement with a total award value of \$100,000 or less; **or for a construction with a total award value of \$200,000 or less**. If the attempt is unsuccessful, the interested party may protest the solicitation or the award of a small procurement contract solicited or awarded under 3 AAC [100.460](#). The protest must be filed with the executive director. The protester must file a copy of the protest with the procurement officer.

(c) If protesting the award of a small procurement contract of not more than **\$50,000** [\$25,000], the protest must be filed not later than 10 days after the date of the solicitation or award, whichever is later.

(d) If protesting the award of a small procurement contract greater than **\$25,000**, a protest must be filed not later than 10 days after the date that notice of award is made. Eff. 9/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: AS 36.30.015 AS 44.88.080

3 AAC 101.030 is amended to read:

The authority will not provide financing for a qualified energy development in excess of the capital costs limitation of AS 44.88.690(a)(1), or the dollar amount limitation of AS 44.88.690(a)(2), unless the legislature has approved exceeding the limitation. **The authority will not finance or acquire a qualified energy development that is subject to the limitations under AS 44.88.690(a)(3).** The authority will not provide financing for a qualified energy development for a term longer than is authorized under AS 44.88.690(b). Eff. 4/25/2013, Register 207; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_

Authority: AS 44.88.085 AS 44.88.680 AS 44.88.690