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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Dan DeBartolo, Department of Revenue

FROM: Scott Meriwether, Office of the Lieutenant Governor 
465.4081

DATE: August 11, 2016

RE: Filed Permanent Regulations: Alaska Retirement Management Board

Non-Administrative Procedure Act regulations re: procurement (15 AAC 112.110 - 15 AAC 112.375)

Attorney General File:	JU2016200388
Regulation Filed:	August 10, 2016
Effective Date:	May 21, 2016
Print:	219, October 2016


cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

CERTIFICATION OF CHANGES TO REGULATIONS
OF THE ALASKA RETIREMENT MANAGEMENT BOARD

The attached 16 pages of regulations, dealing with procurement, is certified to be a correct copy of the regulation changes that the Alaska Retirement Management Board adopted at its April 21, 2016, board meeting under the authority of AS 37.10.240(a) and AS 36.30.015(f).

The attached regulations are exempt from the adoption procedures of the Administrative Procedure Act and take effect thirty days after adoption, or on May 21, 2016, under AS 37.10.240(d).

Date: 4/27/2016



Judith A. Hall, Board Liaison

FILING CERTIFICATION

I, Byron I. Mallott, Lieutenant Governor for the State of Alaska, certify that on

August 10, 2016, at 10:50am., I filed the attached regulation.



Lieutenant Governor

Effective: May 21, 2016.

Register: 219, October 2016

Article 2
Procurement

((all on one line; bold; center))

((bold)) { Section

110. Source selection

120. Specifications

130. Competitive sealed bidding; multistep bidding

140. Competitive sealed proposals

150. Small purchases

160. Sole source procurements

170. Limited competition procurements

180. Emergency procurements

190. Contract formation and modification

200. Supply management

210. Legal and contract remedies

((bold)) { 215. Bidder Preferences

220. Intergovernmental relations

230. Authority to delegate

240. Determination of contractual terms and conditions

250. Non-collusion certification

260. Bid, payment, and performance bonds for contracts

270. Conditioning bids or proposals on other awards not acceptable

280. Extension of solicitation opening time; cancellation of solicitation; amendment of solicitation

290. Rejection of all bids or proposals

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300. Rejection of individual bids or proposals

310. Disposition of bids or proposals

320. Low tie bids or proposals

330. Extension of time for bid or proposal acceptance

340. Multiple award

345. Applicability of AS 36.30 and 2 AAC 12.0

350. Procedures for certain board delegations and appointments

360. Travel

370. (Relocated)

375. [Applicability] (Relocated)

15 AAC 112.110 is amended to read:
15 AAC 112.110. Source selection

Source selection shall conform to 2 AAC 12.010 - 2 AAC 12.060. EXCEPT FOR 2 AAC 12.040, PROCUREMENT OF LEGAL COUNSEL. THE BOARD WILL, IN ITS DISCRETION, CONTRACT FOR LEGAL COUNSEL UNDER THE COMPETITIVE SEALED PROPOSAL SET OUT IN 15 AAC 112.140.

History: (Eff. 7/17/94, Register 134; am. 1/1/10, Register 219; am 5/21/2016, Register 219)

Authority: AS 37.10.240

15 AAC 112.120. Specifications

Specifications will conform to 2 AAC 12.070 - 2 AAC 12.110 except that

(1) the board will, in its discretion, prepare and approve specifications for supplies and services procured by the board; and

(2) a specification that limits the procurement of items to a specific manufacturer's name or catalog numbers may be used only if the board or its designee makes a written determination that only the identified brand name item or items will satisfy the board's needs.

Existing
Publisher: 15 AAC 112.120 is unchanged.

~~History: Eff. 7/17/94, Register 134~~

~~Authority: AS 37.10.240~~ *« Publisher: Existing IS AAC 112.130 is unchanged. »*

~~15 AAC 112.130. Competitive sealed bidding; multistep bidding~~

Competitive sealed bidding will be in accordance with 2 AAC 12.120 - 2 AAC 12.210 except that

(1) when 2 AAC 12.120 - 2 AAC 12.210 requires action by a procurement officer, the action will be taken by the board or its designee; and

(2) when 2 AAC 12.130 applies a \$25,000 limit, a \$50,000 limit will apply.

History: Eff. 7/17/94, Register 134

~~Authority: AS 37.10.240~~

~~15 AAC 112.140. Competitive sealed proposals~~

« (core 0.5" Tab) » The introductory language of 15 AAC 112.140(a) is amended to read:

« (bold and underline new text) » (a) Except for 15 AAC 112.150 - 15 AAC 112.180, the board will award contracts for professional services on the basis of competitive sealed proposals as described in this section. A request for competitive sealed proposals will contain the date, time, and place for delivering proposals, bidders preferences, the process for resolving disputes or protests respecting proposals and awards, a specific description of the professional services to be provided under the contract, and the terms under which the professional services are to be provided. The board will give public notice of its request for competitive sealed proposals by publishing the request for proposals in at least one of the following methods:

« (bold and underline the comma) »

IS AAC 112.140(a)(1) is repealed;

~~(1) mailings to those on the contractor's list maintained under 2 AAC 12.060;~~ *repealed 5/21/2016;*

~~(2) publication in a newspaper of general circulation;~~

~~(3) publication in a newspaper of local circulation in the area pertinent to the procurement; or~~

~~(4) publication through other appropriate media;~~

« Publisher: Existing IS AAC 112.140(a)(2) - (4) are unchanged. »

~~(b) A proposer may correct, modify, or withdraw a proposal before the time and date set for receipt of proposals by written request received in the office designated in the request for proposal before the time and date set for proposal opening. A request under this subsection must be delivered in a sealed envelope with the solicitation number printed on the outside of the envelope and must be accompanied by written~~

« Publisher: Existing IS AAC 112.140(b) - (e) are unchanged. »

authorization by the proposer for the correction, modification, or withdrawal. The board will include all documents relating to the correction, modification, or withdrawal of a bid in the appropriate procurement file.

(c) Upon receipt of a proposal, modification, or correction, the board will note the date and time of receipt upon the envelope and will hold the proposal, modification, or correction in a secure place. After the date set for receipt of proposals, the board will prepare a register of proposals received. The register will include

(1) the name of each offeror; and

(2) a description of the services, supplies, or items offered.

(d) Unless otherwise noted in the request for proposals, the board will not accept a proposal, correction, modification, or withdrawal received after the date set for receipt of proposals unless the board determines that the delay was an error attributable to the board.

(e) The board will, in its discretion, cancel a request for proposal, reject any or all proposals in whole or in part, or delay the date for opening proposals, or decline to accept the recommendations of the evaluation committee as set out in (i) of this section, if the board determines it to be in the best interest of the board to do so. The board will make the reasons for the cancellation, rejection, or delay a part of the procurement file.

The introductory language of 15 AAC 112.140(f) is amended to read:

(f) The evaluation committee will be appointed by the [CHAIRMAN] the chair of the board. The evaluation committee shall evaluate the proposals, as follows: [CHAIRMAN]

(1) the evaluation committee shall base their evaluations only on the factors set out in the request for proposals;

(2) the evaluation committee may use a numerical or other rating system;

(3) if the evaluation committee uses a numerical system, the evaluation committee shall award the contract to the offeror receiving the highest final score;

(4) if the evaluation committee does not use a numerical system, each member of the committee shall justify or explain that member's ranking determination in writing;

(5) the weighing factor or numerical system that the evaluation committee uses must be as set out in the request for proposals; and

(6) cost may be an evaluation criteria at the discretion of the board.

(g) If the board receives only one responsive and responsible proposal in response to a request for proposal, the board will, in its discretion, accept the proposal, reject the proposal, or resolicit proposals.

Publisher: Existing 15 AAC 112.140(g) is unchanged.

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15 AAC 112.140(h) is amended to read:

(h) Offerors shall fully comply with all terms of the request for proposals and with 15 AAC 112.110 - 15 AAC 112.370. The board, board's designee or the evaluation committee may [SHALL] determine nonresponsive [BIDS] proposals and shall reject those proposals.

(i) If the evaluation committee determines, as part of an evaluation conducted under 15 AAC 112.140(f), that a proposal is reasonably susceptible for award, the committee may offer the offeror of the proposal the opportunity to discuss the proposal with the evaluation committee. The evaluation committee may adjust or alter the evaluation of a proposal as a result of the discussion. During a discussion under this subsection,

(1) if there is a need for substantial clarification or change in the request for proposals, the evaluation committee shall amend the request for proposals to incorporate the changes;

(2) the evaluation committee may limit discussion to specific sections of the request for proposals; and

(3) the committee may not use auction techniques that reveal one offeror's bid price to another offeror and may not disclose any information derived from competing proposals.

(j) The evaluation committee shall present one or more offerors to the board for consideration upon a finding that such offerors may qualify as apparently successful proposals. The board will then review the evaluation committee's findings and any recommendations and may select an offeror from among those presented as the apparently successful proposals and issue a notice of intent to award the contract. The notice of intent to award the contract does not constitute a notice to proceed. The notice of intent to award the contract will contain

(1) a statement of the proposed contract amount;

(2) the name of the apparently successful offeror; and

(3) a brief description of the professional services that will be the subject of the contract.

(k) Multi-Step Sealed Proposals. If the board considers it impractical initially to prepare a definitive purchase description to support an award based on listed selection criteria, the board will, in its discretion, issue an expression of interest requesting the submission of unpriced technical offers and will later issue a request for proposals limited to the offerors whose offers are determined to be technically qualified under the criteria set out in the expression of interest.

History: (Eff. 7/17/94, Register 134; am 10/13/96, Register 143; am 5/21/2016, Register 219)

Authority: AS 37.10.240

[[bold]]

Editor's note: Even though the amendments to 15 AAC 112.140 were effective 5/21/2016, they were not published until Register 219, October 2016.

~~15 AAC 112.150 Small purchases~~

(a) Procurement for supplies, services, including professional services, and construction that is estimated to cost less than \$50,000 is governed by this section.

(b) For a procurement described in (a) of this section, the board will use procedures adequate and reasonable to provide competition and to make records to facilitate auditing of the board regarding its purchases of supplies, services, or construction.

(c) For procurement of supplies, services, or construction estimated to cost more than \$10,000, but less than \$50,000, the procedures set out in this subsection will be followed, except that, if those procedures are not practicable under the circumstances, the procedures required by (b) of this section will be followed:

(1) at least three firms or other persons will be contacted for quotations, either written or oral; if quotations are solicited

(A) orally, the board or its designee will record

(i) who made the solicitation;

(ii) the specifications or items solicited;

(iii) the date that the solicitation took place;

(iv) the name of firms or other persons contacted; if a firm, the name of the person in the firm contacted; and

(v) the response of each firm or other person; or

(B) in writing, the board or its designee will record

(i) a list of persons contacted;

(ii) a summary of the responses; and

(iii) copies of all quotations received;

(2) the record prepared under (1) of this subsection will be made part of the procurement file;

(3) the award will be made to the lowest responsive and responsible bidder, taking into account any applicable Alaskan bidder and Alaskan products preferences, and will be made in accordance with the specifications and award criteria in the solicitation.

11 Publisher: Existing 15 AAC 112.150 is unchanged

~~(d) The board or its designee will, in its discretion, use an appropriate contractors list. It is not necessary to solicit all vendors on a contractors list. If used, the list will be rotated to the extent necessary to give all interested prospective contractors opportunities to compete. Nothing in this section limits the board or its designee from contracting additional firms or other persons not on the list.~~

History: Eff. 7/17/94, Register 134; am 10/13/96, Register 143

Authority: AS 37.10.240

15 AAC 112.160. Sole source procurements

(a) A determination by the board that a procurement be restricted to one potential contractor must be accompanied by a written explanation as to why a procurement from a source is in the best interest of the beneficiaries of the pension funds. The board will, in its discretion, advertise an intent to make a sole source award for the purpose of determining if other sources are reasonably available or interested in a particular procurement. The board will make a determination in writing that a sole source exists. The determination must state in detail the factual basis for the determination that sole source conditions exist and for the selection of the particular source. The board will maintain the determination in the procurement file. Award of a sole source procurement may not be made without the signature of the board secretary and the approval of the board given at a regular meeting.

(b) The written determination required in (a) of this section must specify the duration of its effectiveness.

(c) The board or its designee will conduct negotiations, as appropriate, as to price, delivery, and terms of a sole source procurement.

(d) The following are examples of circumstances in which sole source procurement might be appropriate:

(1) if the compatibility of equipment, accessories, or replacement parts is the main consideration;

(2) if a specific item is needed for trial use or testing, including testing of a prototype;

(3) if an item is to be procured for resale;

(4) if public utility services are to be procured;

~~(5) if specific market information services are to be procured,~~

@@ Publisher: Existing 15 AAC 112.150 and 15 AAC 112.160 are unchanged.)))

~~2 (6) if a person possesses a special expertise required to perform the specific professional service; and~~

(7) if the procurement is for the services of legal counsel for the purpose of advising or representing the state in specific civil or criminal proceedings or on specific matters before federal or state regulatory agencies, boards, or commissions.

History: Eff. 7/17/94, Register 134; am 10/13/96, Register 143

Authority: AS 37.10.240

15 AAC 112.170. Limited competition procurements

(a) Any request by the board that a procurement be restricted to several potential contractors must be accompanied by a written explanation as to why the competitive sealed bidding or competitive sealed proposal processes are impractical or contrary to the public interest. The board will, in its discretion, advertise an intent to make a limited competition procurement for the purpose of determining if other sources are available or interested in a particular procurement. Award of a limited competition procurement may not be made without the signature of the board secretary and the approval of the board.

(b) A procurement under this section must be for less than \$100,000.

(c) The board or its designee will conduct negotiations, as appropriate, as to price, delivery, and terms, equally with each potential contractor for a limited competition procurement.

History: Eff. 7/17/94, Register 134; am 10/13/96, Register 143

Authority: AS 37.10.240

15 AAC 112.180. Emergency procurements

(a) The board will, in its discretion, make a procurement under emergency conditions

(1) when a threat to public health, safety, or welfare exists;

(2) when a situation that makes a procurement through competitive sealed bidding impractical or contrary to the public interest exists; or

(3) to protect private or public property.

~~(b) Reasons for finding that emergency conditions exist include~~

CC Publisher: Existing 15 AAC 112.160, 15 AAC 112.170, and 15 AAC 112.180 are unchanged.)))

(1) economic considerations that preclude routine solicitation;

(2) delays inherent in the normal procurement process;

(3) extreme weather conditions; and

(4) equipment failure when the need for timely repair is essential.

(c) The board will make a written determination that emergency conditions exist. The written determination must state in detail the factual basis for the determination that emergency conditions exist and for the selection of the particular contractor. The board will maintain the determination in the procurement file.

(d) The appropriate board officer will also make and promptly forward to the deputy commissioner of the Department of Revenue a record of an emergency procurement. The record must plainly set out

cc ^Publisher: Existing 15 AAC 112.180 is unchanged. >>>

(1) the contractor's name;

(2) the amount spent and the type of contract;

(3) a list of the supplies, equipment, services, construction, office or other space leases, personal property, or professional services procured under the contract;

(4) a brief summary of the emergency determination; and

(5) the assigned identification number of the procurement file.

(e) For a procurement under this section, the board will procure supplies and services by any method the board considers reasonable under the circumstances.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.190 is repealed:

(((bold)))

15 AAC 112.190. Contract formation and modification. Repealed. (Eff. 7/17/94, Register 134; repealed 5/21/2016, Register 219)

~~15 AAC 112.190 IS REPEALED. [CONTRACT FORMATION AND MODIFICATION~~

CONTRACT FORMATION AND MODIFICATION WILL BE IN ACCORDANCE WITH 2 AAC 12.470 - 2 AAC 12.570 EXCEPT

(1) WHEN 2 AAC 12.470 REQUIRES ACTION BY THE "CHIEF PROCUREMENT OFFICER" OR A "PROCUREMENT OFFICER," THE BOARD MAY TAKE ACTION; AND

(2) EACH SOLICITATION WILL ESTABLISH PROCEDURES FOR PRICE ANALYSIS IN THE BID EVALUATION PROCESS.]

Editor's note: Even though the repeal of 15 AAC 112.190 was effective 5/21/2016, it was not published until Register 219, October 2016.

History: eff. 7/17/94, Register 134; am. ___/___/10, Register ___.

Authority: AS 37.10.240

~~15 AAC 112.200. Supply management~~

~~Supply management will be in accordance with 2 AAC 12.580 - 2 AAC 12.610.~~

~~History: Eff. 7/17/94, Register 134~~

«Publisher: Existing 15 AAC 112.200 is unchanged.»

~~Authority: AS 37.10.240~~

15 AAC 112.210 is repealed and readopted to read:
«(bold)»

15 AAC 112.210. Legal and contract remedies.

(a) Other than as provided in this section, legal and contract remedies will be in accordance with AS 36.30.550-670. ~~[2 AAC 12.615 - 2 AAC 12.690.]~~ § 36.30.670.

«one 0.5" tabs»

(b) Notice of an intent to award a contract does not constitute a formal award of a contract. The notice of intent to award must include

«two 0.5" tabs»

(1) a statement of the bidder's right under this section to protest the award, including the time within which the protest must be received; and

«two 0.5" tabs»

(2) the name of the successful bidder.

15 AAC 112.110 - 15 AAC 112.360

«one 0.5" tabs»

(c) A bidder to a request for proposals under these regulations may protest the proposed award of contract for services by filing a protest with the board's designee identified in the request for proposals within ten calendar days following notice of intent to award the contract. The minimum contents of a protest will be specified in the request for proposals. Upon receipt of that protest, the board's designee will advise all respondents to the request for proposals of the existence of the protest, and the board's designee will render a written decision based on the protest or such other materials as the board's designee deems relevant. That written decision may be appealed to the office of administrative hearings within the manner and time provided in AS 44.64.060. Unless the board decides to cancel the request for proposals, a written decision by the office of administrative hearings shall be deemed the final decision of the board, including for purposes of any appeal to superior court.

am 5/21/2016,

219)

History: Eff. 7/17/94, Register 134; am 10/13/96, Register 143; am ___/___/10, Register ___.

Authority: AS 37.10.240

«(bold)»

«(bold)»
Editor's note: Even though the amendments to 15 AAC 112.210 were effective 5/21/2016, they were not published until Register 219, October 2016.

«understanding not necessary»

Register 219, October 2016

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15 AAC 112 is amended by adding a new section to read:

15 AAC 112.215 BIDDER PREFERENCES.

Proposals submitted under 15 AAC 112.110-15 AAC 112.370 shall be evaluated to consider an Alaska bidder preference of five percent under AS 36.30.170(b), an Alaska products preference under AS 36.30.322-36.30.338, and a recycled products preference under AS 36.30.337. An Alaska bidder means a person who

(1) holds a current Alaska business license;

(2) submits a bid for goods, services, or construction under the name as appearing on the person's current Alaska business license;

(3) has maintained a place of business within the state staffed by the bidder or an employee of the bidder for a period of six months immediately preceding the date of the bid;

(4) is incorporated or qualified to do business under the laws of the state, is a sole proprietorship and the proprietor is a resident of the state, is a limited liability company organized under AS 10.50 and all members are residents of the state, or is a partnership under former AS 32.05, AS 32.06, or AS 32.11 and all partners are residents of the state; and

(5) if a joint venture, is composed entirely of ventures that qualify under (1) - (4) of this subsection. (Eff. 5/21/2016, Register 219)

History: Eff. 1/10, Register 10

Authority: AS 36.30.015(f); AS 37.10.240

(15 AAC 112.215)

~~15 AAC 112.220. Intergovernmental relations~~

~~Requests made to another state procurement unit will be made in accordance with 2 AAC 12.700 - 2 AAC 12.710.~~

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.230(a) is amended to read:

15 AAC 112.230. Authority to delegate

(a) The board will, in its discretion, delegate its authority under 15 AAC 112.110-375 [THE PROCUREMENT REGULATIONS] to a public official as the board's designee. A delegation of authority must be in writing.

(((Action heading is bold-face; "Bidder preferences" starts with a capital "B"; the rest is lower-case.)))

AS 36.30.321(a)

(((underlining not necessary)))

Editor's note: Even though the adoption of 15 AAC 112.215 was effective 5/21/2016, it was not published until Register 219, October 2016.

(((Publisher: Existing 15 AAC 112.220 is unchanged.)))

(((bold and underline)))

15 AAC 112.110 - 15 AAC 112.360

(b) The board may revoke authority that it has delegated. The revocation must be in writing. *« Publisher: Existing 15 AAC 112.230(b) is unchanged. »*

History: (Eff. 7/17/94, Register 134; am. 5/21/2016, Register 219; am. ___/___/10, Register ___)

Authority: AS 37.10.240

15 AAC 112.240 is amended to read:

15 AAC 112.240. Determination of contractual terms and conditions

The board or its designee may will, in its discretion, determine the contractual provisions, terms, and conditions of solicitations and contracts, if the provisions, terms, and conditions are not contrary to statutory or regulatory requirements governing the procurement and if [ALL] changes to standard contract terms established under provisions such as 12 AAC 12.470 have been reviewed and approved as to form by the attorney general.

History: (Eff. 7/17/94, Register 134; am 10/13/96, Register 143; am. 5/21/2016, Register 219; am. ___/___/10, Register ___)

Authority: AS 37.10.240

15 AAC 112.250. Non-collusion certification

Solicitations must provide that by submitting a bid or offer, the bidder or offeror certifies under penalty of perjury that the price submitted was independently arrived at without collusion.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.260. Bid, payment, and performance bonds for contracts

Bid, payment, and performance bonds will be in accordance with 2 AAC 12.810.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

« Publisher: Existing 15 AAC 112.250 and 15 AAC 112.260 are unchanged. »

~~15 AAC 112.270. Conditioning bids or proposals on other awards not acceptable~~

A bid or proposal that is conditioned upon receiving award to both the particular contract being solicited and another state contract is nonresponsive unless conditioned bids are specifically authorized in the invitation to bid.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.280. Extension of solicitation opening time; cancellation of solicitation; amendment of solicitation

Extensions, cancellations, and amendments will be in accordance with 2 AAC 12.850.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.290. Rejection of all bids or proposals

Rejection of all bids or proposals will be in accordance with 2 AAC 12.860.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.300. Rejection of individual bids or proposals

Rejection of individual bids will be in accordance with 2 AAC 12.870.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.310. Disposition of bids or proposals

If bids or proposals are rejected, the bids or proposals that have been opened must be retained in the procurement file.

CC Publisher: Existing 15 AAC 112.270 - 15 AAC 112.310 are unchanged.))

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.320. Low tie bids or proposals

Low tie bids or proposals are low responsive bids or proposals from responsible bidders or offerors which are either identical in price or appropriate evaluation factors. If low tie bids or proposals exist, award will be made through a random drawing. Award may not be made by dividing the procurement among identical bidders unless the board reserves the discretion to make such a decision.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112.330. Extension of time for bid or proposal acceptance

After opening bids or proposals, the board or its designee will, in its discretion, request bidders or offerors to extend the time during which the board will accept a bid or proposal.

History: Eff. 7/17/94, Register 134; am 10/13/96, Register 143

Authority: AS 37.10.240

CC Publisher: Existing
15 AAC 112.310 - 15 AAC
112.340 are unchanged.)))

15 AAC 112.340. Multiple award

Multiple awards will be in accordance with 2 AAC 12.920.

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

15 AAC 112 is amended by adding a new section to read:

Section heading is boldface; underlining not necessary; all lowercase, except for "Applicability," "AS", and "AAC")))
"one 0.5" tab)))

15 AAC 112.345. APPLICABILITY OF AS 36.30 AND 2 AAC 12.

In applying the provisions of AS 36.30 and 2 AAC 12 to the board's procurement regulations and procedures, references to the departments or commissioners of

underlining not necessary

Register 219, October 2016

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administration or transportation and public facilities shall be to the board or the board's designee or, if the context requires, to the office of administrative hearings. (Eff.

5/21/2016, Register 219)

History: Eff. / /10, Register

Authority: AS 37.10.240

(((bold)))

15 AAC 112.350 is repealed and readopted to read:

15 AAC 112.350. PROCEDURES FOR CERTAIN BOARD DELEGATIONS AND APPOINTMENTS [new title]

(a) As provided in AS 37.10.071, the board will, in its discretion, delegate investment, custodial, or depository authority. Contracts for these professional services will be supported under an official delegation of authority issued by the board.

(b) Unless otherwise specified by the board and this section, the provisions of this chapter do not apply to appointments of members of the investment advisory council under AS 37.10.270 and the provisions of 15 AAC 112.110 - 15 AAC 112.340 do not apply to the delegation of authority under AS 37.10.071 and ~~15 AAC 112.350~~ (a) of

this section.

History: Eff. 7/17/94, Register 134 and 10/13/96, Register 143; am / /10, Register

Authority: AS 36.30.015

AS 37.10.071 →

AS 37.10.240

AS 37.10.270

(((bold and underline)))

~~15 AAC 112.360. Travel~~

~~Travel and all expenditures relating to travel will be in accordance with regulations adopted by the commissioner of the Department of Administration.~~

History: Eff. 7/17/94, Register 134

Authority: AS 37.10.240

(((Publisher: Existing 15 AAC 112.360 is unchanged.)))

Editor's note: Even though the amendment of 15 AAC 112.350 was effective 5/21/2016, it was not published until Register 219, October 2016.

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~~15 AAC 112.370. Definitions~~

~~Relocated.~~

(((Publisher: A deletion is not intended here; the existing text relating to the relocation of former 15 AAC 112.370 to 15 AAC 112.990 is unchanged.)))

~~Editor's note: As of Register 143 (October, 1997), 15 AAC 112.370 was relocated by the regulations attorney to 15 AAC 112.990.~~

15 AAC 112.375 is repealed;

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15 AAC 112.375. Applicability (Register 219)

~~Relocated.~~

Repealed. (Eff. 10/13/96, Register 143; repealed 5/21/2016,

~~As of Register (2010), 15 AAC 112.375 was relocated by the regulations attorney to 15 AAC 112.350(b).~~

Editor's note: Even though the repeal of 15 AAC 112.375 was effective 5/21/2016, it was not published until Register 219, October 2016.

MEMORANDUM


State of Alaska Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: August 10, 2016

File No.: JU2016200388

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Non-Administrative Procedure Act
regulations re: procurement (15 AAC
112.110 - 15 AAC 112.375)

We have reviewed the attached non-Administrative Procedure Act (non-APA) regulations from the Alaska Retirement Management Board. I have reviewed this project under a general delegation dated December 5, 2014 from the Regulations Attorney. The regulations update provisions regarding procurement.

Because these regulations are not subject to AS 44.62 (Administrative Procedure Act), the Department of Law reviews them only for printing in the Alaska Administrative Code (AAC). We have edited the regulations for style in order to forward them for printing in the AAC, and corrected manifest errors.

Please note that under AS 37.10.240(d) the regulation changes took effect May 21, 2016.

SCW

cc w/enc: (via email)

Judith A. Hall, Board Liaison
Alaska Retirement Management Board

MEMORANDUM


State of Alaska Department of Law

To: Judith A. Hall, Board Liaison
Department of Revenue
Alaska Retirement Management Board

Date: August 10, 2016

File No.: JU2016200388

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Non-Administrative Procedure Act
regulations re: procurement (15 AAC
112.110 - 15 AAC 112.375)

Under AS 44.62.060, we have reviewed the attached non-Administrative Procedure Act (non-APA) regulations from the Alaska Retirement Management Board. I have reviewed this project under a general delegation dated December 5, 2014 from the Regulations Attorney.

Because these regulations are not subject to AS 44.62 (Administrative Procedure Act), the Department of Law reviews them only for printing in the Alaska Administrative Code (AAC). We have edited the regulations for style in order to forward them for printing in the AAC, and corrected manifest errors.

SCW

cc w/enc: (via email)

Dan DeBartolo, Regulations Contact
Department of Revenue

Megyn A. Greider, Assistant Attorney General
Commercial and Fair Business Section

Stuart W. Goering, Senior Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: December 5, 2014

Tel. No.: 465-3600

From: Susan R. Pollard *Susan R. Pollard*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Delegation of Authority for
Regulations Matters

In my absence, when I am traveling or otherwise out of the office, Senior Assistant Attorney General and Assistant Regulations Attorney Steven C. Weaver is designated as Acting Regulations Attorney. Under this delegation, Steve Weaver has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective immediately and is in effect until revoked by me.

If you have any questions, please let me know.

SRP/pav

cc: Scott Mcriwether, AAC Coordinator
Office of the Lt. Governor

Jim Cantor, Deputy Attorney General
Civil Division

Nancy Gordon, Statewide Office Chief
Civil Division

Steven C. Weaver, Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Cori Mills, Assistant Attorney General
Legislation and Regulations Section

Linda Miller, Legal Editor
Legislation and Regulations Section

Lisa Rickey, Legal Editor
Legislation and Regulations Section

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION

I, Judith A. Hall, Board Liaison for the Alaska Retirement Management Board, being sworn, state the following:

As required by AS 37.10.240(c), notice of the proposed adoption of changes to 15 AAC 112 (Procurement) has been given by being

- (1) published in newspapers of general circulation in each judicial district; and,
- (2) posted on the Alaska Online Public Notice System.

Date:

4/27/2016

Judith A Hall

Judith A. Hall, Board Liaison

Subscribed and sworn to before me at

Juneau, AK

on

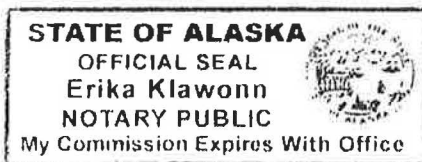
4/27/2016

(date)

Erika Klawonn

Notary Public in and for the State of Alaska

[NOTARY SEAL]



NOTICE OF PROPOSED CHANGES ON PROCUREMENT PROCEDURES
IN THE REGULATIONS OF THE ALASKA RETIREMENT MANAGEMENT BOARD

The Alaska Retirement Management Board (ARMB) proposes to adopt regulation changes in Title 15 of the Alaska Administrative Code, dealing with procurement procedures, including:

The amendments update and modernize language for consistency with current statutes, clarify procurement delegations and appointments, appeal processes, bidder preferences, and applicability.

Interested parties are invited to submit written comments on the proposed amendments to the Alaska Retirement Management Board, Attention: Judy Hall, Liaison Officer, PO Box 110405 Juneau, Alaska 99811 or via e-mail: judy.hall2@alaska.gov.

Comments must be received no later than 4:30 p.m. on April 15, 2016. For a copy of the proposed regulations, contact the ARMB Liaison Officer, or go to <http://treasury.dor.alaska.gov/armb/>

Comments may also be submitted through the Alaska Online Public Notice System, by accessing this notice on the system and using the comment link.

Oral or written comments also may be submitted at a hearing to be held on April 21, 2016 in the K'enakatnu Room of the Dena'Ina Convention Center, 600 W. 7th Avenue, Anchorage, AK. The hearing will be held from 11:30 am to Noon and might be extended to accommodate those present before who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Judy Hall by e-mail or telephone 907 465-3749 not later than April 8, 2016 to ensure that any necessary accommodation can be provided.

After the public comment period ends, the Alaska Retirement Management Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 37.10.240

Statutes being implemented, interpreted, or made specific: AS 37.10.240; AS 36.30.015(f); AS 37.10.071; AS 37.10.270

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Judy Hall, ARMB Liaison Officer

Date: March 20, 2016