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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Minta Montalbo
Department of Administration

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: May 9, 2018

RE: Filed Permanent Regulations: Department of Administration

Department of Administration Regulation re: 2 AAC 12.625: Recommendations for
Debarment from Public Contracts (2 AAC 12.625)

Attorney General File:	2018200108
Regulation Filed:	5/8/2018
Effective Date:	6/7/2018
Print:	226, July 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

JU2018200108

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF ADMINISTRATION

The attached 1 page of regulations, dealing with procurement, are adopted and certified to be a correct copy of the regulation changes that the Department of Administration adopts under the authority of AS 36.30 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Administration paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 4.30.18


Leslie Ridle, Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that¹ on May 8, 2018, at 9A.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.


Lieutenant Governor

Effective: June 7, 2018

Register: 226, July 2018

Register 226, July 2018 ADMINISTRATION

2 AAC 12.625 is amended by adding a new section to read:

2 AAC 12.625. Causes for ^dDebarment or ^sSuspension. The ^cCommissioner of ^aAdministration may consider as a serious and compelling cause under AS36.30.640 (7) a willful or aggravated violation of state or federal labor or safety laws as set out by the Department of Labor and Workforce Development under ^{regulation} 8 AAC 100.010 ^{and} 8 AAC ⁰³⁰100.020, and ^{referred} reported to the department under 8 AAC ⁰²⁰100.040. (Eff. 6/7/2018, Register 226)

Authority: AS 36.30.635 AS 36.30.640

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor

Date: May 2, 2018

File No.: 2018200108

Tel. No.: 465-3600

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

Re: Department of Administration
Regulation re: 2 AAC 12.625:
Recommendations for Debarment
from Public Contracts

We have reviewed the attached Department of Administration regulations to adopt a regulation related to causes that may be considered for debarment and suspension of a state contractor against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The regulations were adopted by the Department of Administration on April 30, 2018 after the close of the public comment period. The February 6, 2018 public notice and the adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made minor technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP/jkc

cc:

Honorable Leslie Ridle, Commissioner
Department of Administration

Shavonne Jordan, Contracting Officer
Department of Administration

Rachel Witty, Assistant Attorney General
Labor and State Affairs Section
Department of Law

**NOTICE OF PROPOSED CHANGES ON RECOMMENDATIONS FOR DEBARMENT
FROM CONSIDERATION FOR AWARD OF PUBLIC CONTRACTS IN THE
REGULATIONS OF THE DEPARTMENT OF ADMINISTRATION**

BRIEF DESCRIPTION

The Department of Administration proposes to amend regulations in 2 AC 12 on recommendations by the Department of Labor and Workforce Development, to the commissioner of the Department of Administration for debarment of vendors from public contracts for willful or aggravated labor law violations, in conjunction with the Department of Labor's implementation of Administrative order 286 and change to Regulation 8 AAC 100.010-040

The Department of Administration proposes to adopt regulation changes in Title 12 of the Alaska Administrative Code, dealing with the recommendations for debarment from consideration for award of public contracts, including the following:

- (1) 2 AAC is proposed to be changed as follows: add a new section regarding severe or repetitive violations of state or federal labor or safety laws, as defined by the Department of Labor and Workforce Development under 8 AAC 100.010 - .040, AS 36.30.640.

You may comment on the proposed regulation change, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to: Jason Soza, Chief Procurement Officer, Department of Administration, PO Box 110210, Juneau, AK 99811-0210.

Additionally, the Department of Administration will accept comments by electronic mail at Jason.soza@alaska.gov and via the Online Public Notice System's commenting feature. Written comments must be received no later than 5:00 pm on March 7, 2018.

If you are a person with a disability who needs a special accommodation in order to participate in this process, or for a copy of the proposed regulation changes, please contact Ann McPherson at (907) 465-5687, no later than February 26, 2018, to ensure that any necessary accommodations can be provided.

After the public comment period ends, the Department of Administration will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulation 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 36.30.040; AS 36.30.635; AS 36.30.640

Statutes Being Implemented, Interpreted, or Made Specific: AS 36.30.635; AS 36.30.640

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))¹

1. Adopting agency: Department of Administration, Shared Services of Alaska
2. General subject of regulation: Recommendations for debarment from public contracts for willing or aggravated labor law violations
3. Citation of regulation (may be grouped): 2 AAC 12
4. Department of Law file number, if any: 2018 200108
5. Reason for the proposed action:
☐ Compliance with federal law or action (identify): _____
☐ Compliance with new or changed state statute
☐ Compliance with federal or state court decision (identify): _____
☒ Development of program standards
☒ Other (identify): Implementation of the Department of Labor and Workforce Development - Administrative Order 286
6. Appropriation/Allocation: 0
7. Estimated annual cost to comply with the proposed action to:
A private person: \$0
Another state agency: \$0
A municipality: \$0
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2018</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

I, Shavonne Jordan, Contracting Officer, of the Department of Administration, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to regulation 2 AAC 12.625, Causes for Debarment or Suspension, has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Administrative Regulation Review Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

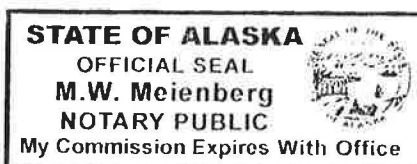
Date: 2/16/18

Shavonne Jordan

Shavonne Jordan, Contracting Officer

Subscribed and sworn to before me at The Dept. of Administration on 2/16/18

(date)



M.W. Meienberg

Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Shavonne Jordan, Contracting Officer for the Department of Administration, being duly sworn, state the following:

In compliance with AS 44.62.215, the Department of Administration has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Administration regulation on Recommendation for Debarment from Consideration for Award of Public Contracts.

Date: March 8, 2018

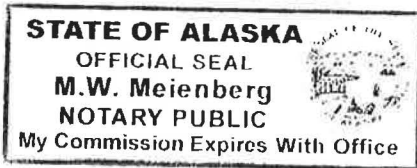
Shavonne Jordan

Shavonne Jordan, Department of Administration

Subscribed and sworn to before me at The Dept. of Administration on
March 8, 2018.

M.W. Meienberg

Notary Public in and for the State of Alaska



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0001416428
\$288.86

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin
being first duly sworn on oath deposes and
says that he/she is a representative of the
Anchorage Daily News, a daily newspaper.
That said newspaper has been approved
by the Third Judicial Court, Anchorage,
Alaska, and it now and has been published
in the English language continually as a
daily newspaper in Anchorage, Alaska, and
it is now and during all said time was
printed in an office maintained at the
aforesaid place of publication of said
newspaper. That the annexed is a copy of
an advertisement as it was published in
regular issues (and not in supplemental
form) of said newspaper on

February 06, 2018

and that such newspaper was regularly
distributed to its subscribers during all of
said period. That the full amount of the fee
charged for the foregoing publication is not
in excess of the rate charged private
individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 6th day of February, 2018

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019

NOTICE OF PROPOSED CHANGES ON RECOMMENDATIONS FOR
DEBARMENT FROM CONSIDERATION
FOR AWARD OF PUBLIC CONTRACTS IN THE REGULATIONS
OF THE DEPARTMENT OF ADMINISTRATION

The Department of Administration proposes to amend regulations in 2 AAC 12 on recommendations by the Department of Labor and Workforce Development, to the commissioner of the Department of Administration, for debarment of vendors from public contracts for willful or aggravated labor law violations, in conjunction with Department of Labor's implementation of Administrative Order 286 and change to Regulation 8 AAC 100.010-040.

The Department of Administration proposes to adopt regulation changes in Title 12 of the Alaska Administrative Code, dealing with the recommendations for debarment from consideration for award of public contracts, including the following:

- (1) 2 AAC is proposed to be changed as follows: add a new section regarding severe or repetitive violations of state or federal labor or safety laws, as defined by the Department of Labor and Workforce Development under 8 AAC 100.010 - .040, AS 36.30.640.

You may comment on the proposed regulation change, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to: Jason Soza, Chief Procurement Officer, Department of Administration, PO Box 110210, Juneau, AK 99811-0210.

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After the public comment period ends, the Department of Administration will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulation 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 36.30.635; AS 36.30.640;

Statutes Being Implemented, Interpreted, or Made Specific:
AS 36.30.635; AS 36.30.640

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

Published: February 6, 2018

SHARED SERVICES OF AK
2018 FEB 9 AM 9:11

Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019