

Presented by: The Manager  
Introduced: 6/26/2017  
Drafted by: A. G. Mead

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2017-14(b)

### **An Ordinance Proposing an Amendment to the Charter of the City and Borough Relating to Competitive Bidding.**

WHEREAS, the City and Borough of Juneau Charter requires that contracts for public improvements, and where practicable, purchases of supplies, materials, equipment, and services be by competitive bid; and

WHEREAS, the Charter language can be interpreted to limit the CBJ's ability to award competitively solicited contracts on anything other than a cost basis; and

WHEREAS, the ability to allow for competitively bid contracts to be awarded based on terms other than pure cost would be of benefit to the public by allowing greater flexibility in project delivery; and

WHEREAS, this type of competitive procurement method is in widespread use by other public entities within the State of Alaska.

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** Section 2 of this ordinance, if approved by the voters pursuant to Section 3, is of a general and permanent nature and shall become a part of the City and Borough of Juneau Home Rule Charter. Sections 3, 4, and 5 of this ordinance are noncode sections.

**Section 2. Charter Amendment.** The Charter of the City and Borough of Juneau is amended at Section 9.14 Competitive bidding, to read as follows:

#### **Section 9.14. Competitive bidding.**

(a) The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding.

(b) Contracts for public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder. This subsection (b) shall not apply to purchases of:

- (1) Professional services;
  - (2) Services of officers and employees of the municipality acting within the scope of their office or employment;
  - (3) Services of officers and employees of the State of Alaska or the federal government if such services are provided pursuant to a written agreement with the employer;
  - (4) Services of students and members of the faculty of an accredited high school, college, or university if such services are provided pursuant to a written agreement with the school;
  - (5) Services of members and employees of a nonprofit corporation registered as such with the State of Alaska, if:
    - (A) The services are provided pursuant to a written agreement with the corporation; and
    - (B) The total amount paid by the municipality divided by the number of hours of service provided by the members and employees of the corporation does not exceed double the minimum hourly wage established by the Alaska Wage and Hour Act.
  - (6) Public improvements which, upon a written finding by the Manager that it would be in the best interests of the City and Borough based on cost, timing, and other relevant criteria, may be procured by supplemental agreements amending existing capital improvement contracts, competitive sealed proposals, or by other alternative procurement methods adopted by the assembly by ordinance. The maximum dollar amount, the criteria utilized, and the methodology shall be set by ordinance.
- (c) All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

**Section 3. Submission to the Voters.** An amendment to Section 9.14 of the Charter of the City and Borough of Juneau, Alaska, shall be submitted to the qualified voters of the City and Borough at the next regular municipal election. The City and Borough Clerk shall prepare the ballot title as provided by this ordinance and shall perform all necessary steps in accordance with law to place this proposition before the voters at the next regular municipal election.

**Section 4. Proposition.** The proposition to be submitted to the voters as required by Section 3 shall read substantially as follows:

**PROPOSITION NO. \_\_\_\_\_**

**CHARTER AMENDMENT**

Shall Section 9.14 of the Charter of the City and Borough of Juneau, Alaska, be amended as set forth in Ordinance No. 2017-14 to add the following underlined words?

BE IT ENACTED by the City and Borough of Juneau, Alaska, that Section 9.14 Competitive bidding, reading as follows, is adopted as part of the Charter of the City and Borough of Juneau, Alaska:

**Section 9.14. Competitive bidding.**

(a) The assembly by ordinance shall provide for competitive bidding and procedures for competitive bidding.

(b) Contracts for public improvements and, whenever practicable, other purchases of supplies, materials, equipment, and services, shall be by competitive bid and awarded to the lowest qualified bidder. This subsection (b) shall not apply to purchases of:

- (1) Professional services;
- (2) Services of officers and employees of the municipality acting within the scope of their office or employment;
- (3) Services of officers and employees of the State of Alaska or the federal government if such services are provided pursuant to a written agreement with the employer;
- (4) Services of students and members of the faculty of an accredited high school, college, or university if such services are provided pursuant to a written agreement with the school;
- (5) Services of members and employees of a nonprofit corporation registered as such with the State of Alaska, if:
  - (A) The services are provided pursuant to a written agreement with the corporation; and
  - (B) The total amount paid by the municipality divided by the number of hours of service provided by the members and employees of the corporation does not exceed double the minimum hourly wage established by the Alaska Wage and Hour Act.

(6) Public improvements which, upon a written finding by the Manager that it would be in the best interests of the City and Borough based on cost, timing, and other relevant criteria, may be procured by supplemental agreements amending existing capital improvement contracts, competitive sealed proposals, or by other alternative procurement methods adopted by the assembly by ordinance. The maximum dollar amount, the criteria utilized, and the methodology shall be set by ordinance.

(c) All contracts and purchases exceeding an amount to be established by ordinance shall require prior assembly approval.

FOR THE AMENDMENT [     ]

AGAINST THE AMENDMENT [     ]

**Section 5. Effective Dates.**

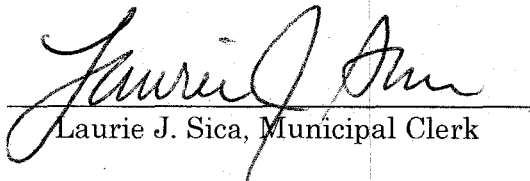
(a) The Charter amendment proposed in Section 2 of the ordinance shall become effective on the day following the date the election results are certified for the regular municipal election held October 3, 2017, if a majority of the qualified voters voting on the proposition set forth in Section 4 vote for the amendment.

(b) Section 3 of this ordinance authorizing the submission of the ballot proposition to the qualified voters of the City and Borough shall become effective thirty days after adoption of this ordinance.

Adopted this 31<sup>st</sup> day of July, 2017.

  
Kendell D. Koelsch, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk

October 3, 2017 Regular Municipal Election Results - Certified October 10, 2017

Approved by the voters:

Proposition #2 - Charter Amendment on Alternative Procurement Methods

Yes 4870

No 1918