

Presented by: AFC
Introduced: 05/18/2020
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-23(b)

An Ordinance Amending the Purchasing Code to Allow for Additional Methods of Public Notice and Electronic Receipt of Bids.

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

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Section. CBJC 53.50.010 Definitions, is amended by the incorporation of the following definition in alphabetical order, to read:

53.50.010 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

Public notice, as used in this chapter, means notice posted on the City and Borough of Juneau online procurement site and, when practicable, in a local newspaper advertisement. Public notice may also include:

- (1) Publication in a trade journal, online notification service, or other publication calculated to reach prospective bidders; and
- (2) Notices posted in public places within the area where the work or services are to be performed or the supplies furnished.

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Section 3. Amendment of Section. CBJC 53.50.040 Public improvement contracts, is amended to read:

53.50.040 Public improvement contracts.

(a) Except as provided in subsection (c) of this section, contracts for public improvements for an amount estimated to exceed \$50,000.00 shall be by competitive sealed bid and be awarded to the lowest qualified bidder.

(b) Contracts for public improvements for an amount estimated to be \$50,000.00 or less may be made when feasible and when in the best interest of the City and Borough by binding competitive written bid, without observing the procedure prescribed for the award of formal sealed bid purchases and contracts.

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Section 4. Amendment of Section. CBJC 53.50.050 Contract amounts, is amended to read:

53.50.050 Contract amounts.

Unless otherwise prohibited by this Code:

(a) All contracts for an amount estimated to be \$5,000.00 or less shall be made on the open market with such competition as is reasonable and practical in the circumstances.

(b) All goods and services, other than professional services, shall be awarded as follows:

(1) Contracts in an amount estimated to be greater than \$5,000.00 but not more than \$50,000.00 shall be made when feasible and when in the best interest of the City and Borough in the open market by written quotation, without observing the procedure prescribed for the award of formal sealed bid purchases. Such open market contracts, whenever practicable, shall be based on at least three competitive quotations and shall be awarded to the lowest qualified bidder. The basis for determining the lowest qualified bidder shall be the same as that used in formal bid purchases, including any preferences established by law.

(2) Reserved.

(3) Contracts in an amount estimated to be more than \$50,000.00 shall be by formal competitive sealed bid.

(c) All professional services shall be purchased as follows:

(1) Contracts in an amount estimated to be greater than \$5,000.00 but not more than \$25,000.00 shall be made when feasible and when in the best interest of the City and Borough in the open market by written proposal, without observing the procedure prescribed for the award of formal sealed bid purchases. Such open market contracts, whenever practicable, shall be based on at least three competitive proposals and shall be

awarded to the responsive and responsible offeror whose proposal is determined to be the most advantageous to the City and Borough. The method for determining the most advantageous proposal shall be set forth in the request for proposals, shall be based upon a numerical point score, and shall, unless contrary to applicable state or federal statute, regulation, or grant requirements, provide that five percent of the total points possible for each proposal shall be awarded if and only if the proposal is submitted by a Juneau proposer.

(2) Contracts in an amount estimated to be more than \$25,000.00 but not more than \$50,000.00 shall be by written proposal after public notice, and shall be awarded to the responsive and responsible offeror whose proposal is determined to be the most advantageous to the City and Borough. The method for determining the most advantageous proposal shall be set forth in the request for proposals, shall be based upon a numerical point score, and shall, unless contrary to applicable state or federal statute, regulation, or grant requirements, provide that five percent of the total points possible for each proposal shall be awarded if and only if the proposal is submitted by a Juneau proposer.

(3) Contracts in an amount estimated to be more than \$50,000.00 shall be by formal competitive sealed proposal after public notice, and shall be awarded to the responsive and responsible offeror whose proposal is determined to be the most advantageous to the City and Borough. The method for determining the most advantageous proposal shall be set forth in the request for proposals, shall be based upon a numerical point score, and shall, unless contrary to applicable state or federal statute, regulation, or grant requirements, provide that five percent of the total points possible for each proposal shall be awarded if and only if the proposal is submitted by a Juneau proposer.

Section 5. Amendment of Section. CBJC 53.50.060 Competitive sealed bid procedure, is amended to read:

53.50.060 Competitive sealed bid procedure.

(a) *Publication.* Where competitive sealed bidding is required, sealed bids shall be solicited by public notice in a manner calculated to reach prospective bidders. Such publication shall contain at least a general description of the item or work required and shall designate the place where detailed requirements and specifications may be obtained and the time and place where the sealed bids will be opened. The bids shall be opened publicly. Such publication shall be made at least twice, with at least a week and not more than two weeks intervening between publications, and there shall be sufficient time between the date of last publication and the opening of bids for preparation of bids, which time shall not be less than two weeks unless the manager finds that an emergency exists. The manager may also solicit bids by sending notice by mail or electronic mail to any active prospective bidders known to him or her.

(b) *Bid bond on deposit.* All bids for the construction or reconstruction of public improvements required to be submitted by competitive sealed bid shall be accompanied by either cash, a certificate of deposit or certified check or draft, or a cashier's check, or draft on some responsible bank in the United States, in favor of and payable at sight to the City and Borough, in an amount

not less than five percent of the aggregate amount of the bid. If the bidder to whom the contract is awarded, for 15 days after the award of the contract, fails or neglects to enter into the contract and file the required bonds, the City and Borough treasurer shall draw the money due on the certificate of deposit or check or draft and pay the same or any cash deposited into the treasury, and under no circumstances shall it be returned to the defaulting bidder. In lieu of the foregoing, any bid may be accompanied by a surety bond in such amount furnished by a surety authorized to do a surety business in the state, guaranteeing that the bidder will enter into the contract and file the required bonds within such period. The manager may require bid bonds in an amount appropriate for any bid not required by this subsection to be accompanied by a bid bond.

(c) *Pre-bid conference.* The purchasing officer may conduct a pre-bid conference for any competitively bid contract or purchase. Notice of the conference shall be provided to all bidders. Bidders shall be responsible for acquiring all information announced or distributed at a pre-bid conference.

(d) *Opening of bids.* All bids shall be submitted to the purchasing agent at the place and time specified in the public notice inviting bids. Bids shall be opened by the purchasing agent, in public, at the time and place designated in the notice inviting bids. Bids received after the specified time shall not be accepted.

(1) Sealed paper bids. All paper bids shall be sealed and identified as bids on the envelope. Bids received after the specified time shall be returned to the bidder unopened.

(2) Electronic bids. When specified by the purchasing officer, bids may be received electronically in addition to or instead of by sealed paper bids. Procedures for receipt of electronic bids shall be designed to ensure the security, authenticity, and confidentiality of the bids to the same or greater extent as is provided for with sealed paper bids.


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Section 6. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 8th day of June, 2020.


Beth A. Weldon, Mayor

Attest:


Elizabeth J. McEwen, Municipal Clerk