

Introduced by: Council Member Herman  
Date: October 27, 2015  
Public Hearing: November 10, 2015  
Action: Passed  
Vote: 7-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #15-34**

#### **AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE CHAPTER 4.20.050, PURCHASING, SPECIFICATIONS GENERALLY FOR BIDS AND PROPOSALS**

**NOW, THEREFORE BE IT ORDAINED**, that the City of Bethel authorizes a change to the Bethel Municipal Code as described herein.

**SECTION 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Bethel Municipal Code.

**SECTION 2. Amendment.** The Bethel Municipal Code is to be amended as follows (new language is underlined and old language is stricken).

#### **Chapter 4.20**

#### **Purchasing**

#### **4.20.050 Specifications generally for Bids and Proposals**

- A. Requests for bids/proposals should clearly and accurately describe the technical requirements for the goods or services to be purchased. The specifications should not contain features that unduly restrict competition. A qualified products list may be used. It is the responsibility of the vendor to demonstrate to the City's satisfaction that its product is "equal" to that specified. Requests for approval of substitutions must be made with sufficient time to allow the City to adequately review the substitution request, including time for vendors to respond to questions and requests for additional information or clarification. The City has no obligation to accept proposed substitutions or to hire outside experts to evaluate proposed substitutions. Acceptance of a substitute product proposed as an "equal" to that specified will be made in writing and, if made prior to award, other firms/individuals will be notified if practical and convenient.
- B. Public Notice. Adequate public notice of the invitation for bids/proposals shall be given a reasonable time, not less than twenty (20) calendar days prior to the date set forth therein for the opening of bids/proposals. Such notice may include publication in a newspaper of general circulation for a reasonable time prior to bid/proposal opening.
  1. The public notice shall state the place, date and time of bid/proposal submission and opening.

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2. The contents of the notice shall be sufficient to inform interested readers of the general nature of the supplies, services or construction being procured and the procedure for submitting a bid/proposal.
  3. The failure of any person to receive notice under this subsection shall not affect the validity of any award or contract.
- C. The purchasing agent, at the request of the using department director, may provide for a pre-bid/proposal conference to be held at least seven (7) business days before the last day for submitting bids/proposal.
- D. The terms of an invitation for bid/proposals may be modified or interpreted only by written addenda issued by the purchasing agent or the designee. Only a bid/proposal which acknowledges receipt of all addenda may be considered responsive. If an addendum is issued less than five (5) business days before the last day on which bids/proposals are to be accepted, the time for accepting bids shall be extended by at least five (5) business days after the date on which the addendum was sent.
- E. All requests for bids or requests for proposals shall require the bidder to attach to his proposal, a sworn declaration:
1. Stating that neither he nor any of his representatives or third party mandated by him has attempted to contact City representatives or members of the selection committee, when applicable, for the purpose of influencing their choice, judgment or recommendation relating to the contract, or with members of the City council to influence their decision; and
  2. Stating that he has produced his proposal without collusion, communication, agreement or arrangement with a competitor with regards to prices, methods, factors or formulas for setting prices, to the decision to submit or not submit a proposal or to present a proposal that does not comply, directly or indirectly, with specifications contained in the request.
  3. Stating that neither he nor any of his representatives engaged in ~~discrimination~~, intimidating measures, influence peddling or corruption or entered into any form of collusion, communication, agreement or arrangement with other suppliers or third parties relating to a contract with the City.
  4. Stating that if selected, during the performance of a contract, the contractor agrees, neither he nor any of his representatives will engage in discriminating against any person because of race, national origin, color, age, creed, religion, sex, sexual orientation, gender identity, political affiliation, marital status, ancestry, disability, or status as a disabled veteran.

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- F. All requests for bids or request for proposals must clearly state that:
1. A bidders/proposers failure to attach the sworn declarations required above shall result in automatic rejection of the proposal/bid, and
  2. That in the event that a bidder or proposer, or a representative or third party mandated by them, has been in violation of the statements called for above, the bidder's proposal shall be automatically rejected, and
  3. That the City of Bethel may cancel a contract that has been awarded if the City becomes aware, during the course of the contract, of a situation contravening a sworn statement required by this section.
- G. Sealed bids/proposals shall be designated as such on the outer envelope and shall be submitted by mail, in person, e-mail or facsimile at the place and no later than the time specified in the invitation for bids/proposals. Bidders/Proposers who submit their bids/proposals via facsimile or e-mail do so at their own risk. The City is not responsible for failures or delays in transmission. Bids/proposals not submitted at the proper place or within the time specified shall not be opened or considered.
- H. Awards shall be made by written notice to the bidder/proponent whose final proposal is determined to be most advantageous to the City. No criteria other than those set forth in the request for bids/proposals may be used in bid/proposal evaluation.
- I. If the City manager determines that it is in the best interest of the City to do so, the City may reject all bids/proposals.

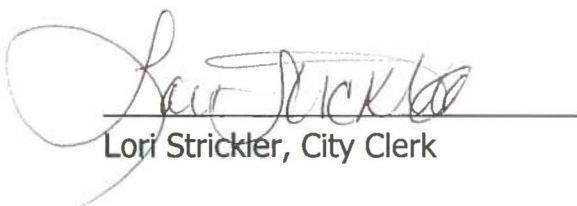
**SECTION 4. Effective Date.** This ordinance shall become effective upon passage by the City Council.

**ENACTED THIS 10 DAY OF NOVEMBER 2015, BY A VOTE OF 7 IN FAVOR AND 0 OPPOSED.**



Richard Robb, Mayor

ATTEST:



Lori Strickler, City Clerk