

Presented by: AFC
Presented: 11/13/2023
Drafted by: Nicole Lynch

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2022-60(b)

An Ordinance Amending the Purchasing Code Regarding Public Notice, Price Thresholds, Contracting Process, Contract Requirements, and Approval Process.

WHEREAS, the City and Borough of Juneau purchases significant amounts of goods and services for the benefit of the residents of the City and Borough; and

WHEREAS, the City and Borough of Juneau expends substantial monetary resources on the purchase of goods and services, and it is in the best interest of the community that there be reasonable public notice and reasonable time for potential suppliers of goods and services to consider requests for proposals and prepare proposals for submission; and

WHEREAS, businesses seeking to sell goods and services to the City and Borough of Juneau benefit from clarity, fairness, and transparency in the procurement process; and

WHEREAS, the City and Borough of Juneau seeks to provide clear, fair, and easily understandable policies and procedures regarding the purchasing of goods and services for the public good; and

WHEREAS, the Assembly Finance Committee on November 2, 2022, recommended the Assembly adjust the purchasing thresholds to allow written quotes for contracts between \$5,000.00 to \$25,000.00 and informal public solicitations for contracts between \$25,000.00 to \$50,000.00; and

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2 WHEREAS, the City and Borough of Juneau seeks to reasonably inform the public of
3 opportunities to bid or propose sale of goods and services while balancing the time and expense
4 involved in publicizing these opportunities.

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

6 **Section 1. Classification.** This ordinance is of a general and permanent nature and
7 shall become a part of the City and Borough of Juneau Municipal Code.
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10 **Section 2. Amendment of Section.** CBJC 53.50.010 Definitions, is amended to read:

11 **53.50.010 Definitions.**

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

14 ...

15 Formal competitive sealed bid means a bid or proposal that must be submitted through the
16 sealed online process and in conformance with a prescribed format to be opened publicly at a
17 specified date and time. The formal competitive sealed bid tool is a procurement method used to
18 solicit competitive sealed bid responses, sometimes called formal bids, when price is the basis
19 for award.

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22 Informal public solicitation means a competitive bid, price quotation, or proposal for supplies or
23 services that is conveyed via letter, fax, email, or other manner that does not require a formal
24 sealed bid or proposal, public opening, or other formalities. The informal public solicitation tool
25 is generally relegated to requirements that may be considered low value or fall under a
stipulated price/cost threshold.

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2 ...
3 *Public notice*, as used in this chapter, means notice posted on the City and Borough of Juneau
4 online procurement site and, ~~when practicable, in a local newspaper advertisement.~~ *Public*
5 ~~notice~~ may also include:

- 6 (1) Publication in a newspaper, trade journal, online notification service, or other
7 publication calculated to reach prospective bidders or proposers; and
8 (2) Notices posted on public bulletin boards or in public places within or near the area
9 where the work or services are to be performed or the supplies furnished.
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11 ...
12 Written quotation and written proposal mean an informal purchasing process where
13 procurement staff solicit documented pricing information from multiple sources.
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15 **Section 3. Amendment of Section.** CBJC 53.50.050 Contract amounts, is amended
16 to read:

17 **53.50.050 Contract amounts.**

18 Unless otherwise prohibited by this Code:

19 (a) All contracts for an amount estimated to be \$5,000.00 or less shall be made on the open
20 market with such competition as is reasonable and practical in the circumstances.
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22 (b) All goods and services, other than professional services, shall be ~~awarded~~ purchased as
23 follows:
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- 25 (1) Contracts in an amount estimated to be greater than \$5,000.00 but not more than
\$25,000.00 ~~50,000.00~~ shall be made, ~~when feasible and when in the best interest of~~

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2 ~~the City and Borough~~ when practicable, in the open market by written quotation,
3 without observing the procedure prescribed for the award of formal competitive
4 sealed bid purchases. Such open market contracts, whenever practicable, shall be
5 based on at least three ~~competitive~~ quotations, gathered by staff, and shall be
6 awarded to the lowest qualified bidder. The basis for determining the lowest
7 qualified bidder shall be the same as that used in formal competitive sealed bid
8 purchases, including any preferences established by law.

9
10 (2) Contracts in an amount estimated to be greater than \$25,000.00 but not more than
11 \$50,000.00 shall be made, when practicable, in the open market by informal public
12 solicitation without observing the procedure prescribed for the award of formal
13 competitive sealed bid purchases. After public notice and whenever practicable,
14 such informal public solicitation shall be based on at least three quotations and
15 shall be awarded to the lowest qualified bidder. The basis for determining the
16 lowest qualified bidder shall be the same as that used in formal competitive sealed
17 bid purchases, including any preferences established by law. ~~Reserved.~~

18
19 (3) Contracts in an amount estimated to be more than \$50,000.00 shall be by formal
20 competitive sealed bid after public notice.

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

22
23 (1) Contracts in an amount estimated to be greater than \$5,000.00 but not more than
24 \$25,000.00 shall be made when practicable ~~feasible and when in the best interest of~~
25 ~~the City and Borough~~ in the open market by written proposal, without observing
the procedure prescribed for the award of formal competitive sealed bid purchases.

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2 Such open market contracts, whenever practicable, shall be based on at least three
3 ~~competitive~~ proposals and shall be awarded to the responsive and responsible
4 offeror whose proposal is determined to be the most advantageous to the City and
5 Borough. The method for determining the most advantageous proposal shall be set
6 forth in the request for proposals, shall be based upon a numerical point score, and
7 shall, unless contrary to applicable state or federal statute, regulation, or grant
8 requirements, provide that five percent of the total points possible for each proposal
9 and shall be awarded if and only if the proposal is submitted by a Juneau proposer.
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11 (2) Contracts in an amount estimated to be more than \$25,000.00 but not more than
12 \$50,000.00 shall be by written proposal and follow the informal public solicitation
13 process. ~~After public notice, contracts and~~ shall be awarded to the responsive and
14 responsible offeror whose proposal is determined to be the most advantageous to the
15 City and Borough. The method for determining the most advantageous proposal
16 shall be set forth in the request for proposals, shall be based upon a numerical point
17 score, and shall, unless contrary to applicable state or federal statute, regulation, or
18 grant requirements, provide that five percent of the total points possible for each
19 proposal and shall be awarded if and only if the proposal is submitted by a Juneau
20 proposer.
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22 (3) Contracts in an amount estimated to be more than \$50,000.00 shall be by formal
23 competitive sealed proposal after public notice and shall be awarded to the
24 responsive and responsible offeror whose proposal is determined to be the most
25 advantageous to the City and Borough. The process shall be as described in
53.50.060. The method for determining the most advantageous proposal shall be set

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2 forth in the request for proposals, shall be based upon a numerical point score, and
3 shall, unless contrary to applicable state or federal statute, regulation, or grant
4 requirements, provide that five percent of the total points possible for each proposal
5 shall be awarded if and only if the proposal is submitted by a Juneau proposer.
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8 **Section 4. Amendment of Section.** CBJC 53.50.060 Competitive sealed bid
9 procedure, is amended to read:

10 **53.50.060 Competitive sealed bid procedure.**

11 ...

12 (d) *Opening of bids.* All bids shall be submitted to the purchasing agent at the place and time
13 specified in the public notice inviting bids. Bids shall be opened by the purchasing agent, ~~in~~
14 ~~public-publicly~~, at the time and place designated in the notice inviting bids. Bids received after
15 the specified time shall not be accepted.
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17 ...

18 (e) *Award.* A contract or purchase for which competitive bids are required shall be awarded by
19 the manager to the lowest qualified bidder taking into consideration conformity with the
20 specifications, terms of delivery, and other conditions imposed in the call for bids, except that:

- 21 (1) For bids in excess of \$750,000.00 ~~\$100,000.00~~ for contracts, and \$1,500,000.00
22 ~~\$1,000,000.00~~ for public improvement contracts, the award shall not be made until
23 after assembly approval; and

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Section 5. Amendment of Section. CBJC 53.50.090 Exceptions to competitive sealed bidding and submission of quotations, is amended to read:

53.50.090 Exceptions to competitive sealed bidding and submission of quotations.

The restrictions and provisions of this chapter shall not apply:

(a) To contracts involving the obtaining of professional or specialized services such as those rendered by architects, attorneys, engineers, and others requiring advanced training and the exercise of independent judgment and discretion. ~~Except as authorized in writing by the purchasing officer, such services shall be obtained by competitive proposal; such services shall be obtained by competitive proposal except as authorized in writing by the purchasing officer;~~

...

(j) To ~~electronic data processing software and hardware and~~ software systems, and related information technology hardware, that are intrinsic to cross-departmental CBJ business operations;

...

(q) To the purchase of any goods or services upon a written finding by the manager that competitive purchasing would not be practicable based on cost, timing, and other relevant criteria.

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

Adopted this _____ day of _____, 2023.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk