

Mt. Aglender

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CITY OF HOMER
HOMER, ALASKA

ORDINANCE 92- 38

RECEIVED

AUG 17 1992

RENS COIE
ANCHORAGE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER AMENDING HOMER CITY CODE § 3.16.100 TO ESTABLISH A PROCEDURE FOR NEGOTIATING PROCUREMENT CONTRACTS AFTER EVALUATION OF COMPETITIVE PROPOSALS

BE IT ORDAINED BY THE CITY OF HOMER:

Section 1. Homer City Code § 3.16.100 is hereby amended to read as follows:

A. If the City Manager determines that use of competitive sealed bidding is not practicable, the City may procure supplies, services or construction by competitive sealed proposals under this section.

B. The City Manager shall solicit competitive sealed proposals by issuing a request for proposals. The request for proposals shall state, or incorporate by reference, all specifications and contractual terms and conditions to which a proposal must respond, and shall state the factors to be considered in evaluating proposals and the relative importance of those factors. Public notice of a request for proposals shall be given in accordance with Section 3.16.040A. and B.

C. Sealed proposals shall be designated as such on an outer envelope and shall be submitted by mail or in person at the place and no later than the time specified in the request for proposals. Proposals not submitted at the place or within the time so specified shall not be opened or considered.

D. Proposals shall be received at the time and place designated in the request for proposals, and shall be opened so as to avoid disclosing their contents to competing proponents during the process of negotiation. Proposals, and tabulations, and evaluations thereof shall be open to public inspection only after the contract award. The City Manager shall issue a notice of recommendation to award to all responding proponents at least four days

prior to approval by the final decision-making authority.

E. In the manner provided in the request for proposals, the City Manager may negotiate with those responsible proponents whose proposals are determined to be reasonably responsive to the request for proposals. Negotiations shall be used to clarify and assure full understanding of the requirements of the request for proposals. The City Manager may permit proponents to revise their proposals after submission and prior to award to obtain best and final offers. Proponents deemed eligible for negotiations shall be treated equally regarding any opportunity to discuss and revise proposals. In conducting negotiations or requesting revisions, no city officer or employee shall disclose any information derived from proposals of competing proponents. ~~In determining the level of responsibility of a proponent, the City shall consider:~~

- ~~1. The price;~~
- ~~2. The ability, capacity and skill of the proponent to perform the contract within the time and price specified;~~
- ~~3. The reputation and experience of the proponent;~~
- ~~4. The proponent's performance under previous contracts.~~

F. If fair and reasonable compensation, contract requirements and contract documents can be agreed upon with the most qualified proponent, the contract shall be awarded to that proponent.

G. If fair and reasonable compensation, contract requirements and contract documents cannot be agreed upon with the most qualified proponent, the City Manager shall advise the proponent of the termination of negotiations. If the proposals were submitted by one or more other proponents determined to be qualified, negotiations may be conducted with such other proponents in the order of their respective rankings. The contract may be awarded to the proponent then determined to be most advantageous to the City.

H. Awards shall be made by written notice to the proponent whose final proposal is determined to be most advantageous to the City if satisfactory compensation, contract

requirements and contract documents are agreed upon pursuant to subsection F. or G. No criteria other than those set forth in the request for proposals may be used in proposal evaluation. If the City Council, or the City Manager if the contract is within his authority to award, determines that it is in the best interest of the City to do so, the City may reject all proposals.

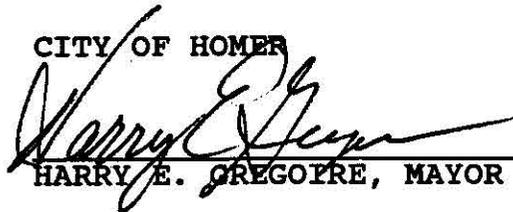
I. When the service is routine and repetitious, the cost of the anticipated service shall be considered during evaluation of proposals. This paragraph shall not apply to a qualifications-based selection process.

~~F. Awards shall be made by written notice to the responsible proponent whose final proposal is determined to be most advantageous to the City. No criteria other than those set forth in the request for proposals shall be used in proposal evaluation. If the City Manager determines that it is in the best interest of the City to do so, the City may reject all proposals.~~

Section 2. This ordinance is of a permanent and general character and shall be included in the City code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 10th day of August, 1992.

CITY OF HOMER


HARRY E. GREGOIRE, MAYOR

ATTEST:


MARY L. SHANNON, CITY CLERK

AYES: 5
NOES: 0
ABSTAIN: 0
ABSENT: 1

First Reading: 7/13/92
Public Hearing: 7/27/92
Second Reading: 8/10/92
Effective Date: 8/11/92

Reviewed and approved as to form and content:


~~PATTI J. WHALEN~~ Richard J. Leland
ACTING CITY MANAGER


GORDON J TANS
CITY ATTORNEY