

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 84-32

AN ORDINANCE ENACTING CHAPTER 3.16, PROCUREMENTS, OF
THE HOMER CITY CODE AND NAMING AN EFFECTIVE DATE.

WHEREAS, the Homer City Council directed the City Administration to review and standardize procurement practices for City operations, maintenance and project activities; and

WHEREAS, the Homer City Council has established Procurement Policy for City operations, maintenance and project activities;

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

HCC Chapter 3.16 is hereby enacted to read:

3.16.010 Contract and purchase procedure. The City Manager or his designee may carry out any of the following:

A. Contract for, purchase or issue purchase authorizations for all supplies, materials, equipment and services for the offices, departments, and agencies of the City;

B. Contract for the construction, repair or improvements of City facilities.

3.16.020 Limitation on Manager's authority. The Manager may not make an acquisition or contract authorized by Section 3.16.010 of this chapter if the value of the property, service or contract exceeds five thousand dollars, without first obtaining City Council approval of the appropriation or budget.

3.16.030 Open market procedures.

A. Purchases or contracts authorized by Section 3.16.010 having an estimated value in excess of five thousand dollars but less than fifteen thousand dollars may be made in the open market without newspaper advertisement.

B. Market purchases and contracts shall, whenever possible, be based on at least two competitive bids and shall be awarded to the lowest responsible bidder.

C. The City Manager or his authorized designee may solicit either oral or written bids for open market purchases and shall maintain a record of all bids received.

3.16.040 Advertising for bids.

A. Purchases or contracts authorized by Section 3.16.010 having an estimated value of more than fifteen thousand dollars may be made only after a notice calling for bids is printed in the newspaper of general circulation published within the City once a week for not less than two consecutive weeks prior to the date for the bid award. The notice shall contain a general description of the property, work or service; state where the bid forms and/or specifications may be

obtained; specify the place for submission of bids and the time by which they must be received.

B. Bids shall be submitted no sooner than five working days after the last date of advertisement.

C. The purchase or contract shall be awarded to the lowest responsible bidder.

3.16.050 Processing of bids. Notwithstanding other provisions of this chapter relating to the award after competitive bid for purchases and contracts, the City may:

- A. Reject defective or nonresponsive bids;
- B. Waive any irregularities in any and all bids;
- C. Reject all bids;
- D. Readvertise for bids with or without making changes in the plans, specifications or scope of work.

3.16.060 Exceptions to bidding requirements. Unless otherwise authorized by law, all procurement actions shall be by competitive bidding. Authorized exceptions include:

- A. Negotiated procurement following unsuccessful efforts to obtain competitive bidding.
 - B. Small procurement, below five thousand dollars.
 - C. Emergency procurement.
 - D. Procurement of Consultant and Technical Services.
 - E. Procurement of Real Estate.
 - F. Procurement of Architect-Engineer, Construction Manager, and Construction Completion services.
 - G. Interagency Agreements.
 - H. Utilization of State or Local Government Contracts.
 - I. Sole Source Procurements.
 - J. Procurement resulting from Competitive Sealed Proposals as defined in Section 3.16.100.
- Competition will be sought to the maximum extent practicable.

3.16.070 Lowest responsible bidder. In determining the lowest responsible bidder, the City shall consider:

- A. The price;
- B. The ability, capacity and skill of the bidder to perform the contract within the time and price specified;
- C. The reputation and experience of the bidder;
- D. The bidder performance under previous contract.

3.16.080 Requirements mandatory. Except as provided in Section 3.16.100, a purchase, contract or sale subject to the provisions of this chapter shall not be valid, enforceable or binding upon the City unless the established requirements have been satisfied and the contract or purchase is approved by the City Council.

3.16.090 Change orders--Manager authority. The City Manager or his designee is authorized, without Council approval, to enter into change orders where the amount of additional expenditure occasioned by the change order or orders does not, in the aggregate, exceed any contingency fund previously established with respect to the particular project or change the scope of work. The Manager or his designee

shall report monthly to the Council the nature and amount of such change orders. Change orders exceeding in the aggregate the foregoing limitation or which change the scope of work are not binding without prior approval of the Council.

3.16.100 Competitive sealed proposals--Negotiated procurement.

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 3.16.040.

C. Sealed proposals shall be designated as such on an outer envelope and shall be submitted by mail or in person at the place 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 thereof shall be open to public inspection only after the contract award.

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 responsive to the request for proposals. Negotiations shall be used to clarify and assure full understanding of the requirements of the request for proposals. Proponents deemed eligible for negotiations shall be treated equally regarding any opportunity to discuss and revise proposals. 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 proponents performance under previous contracts.

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.

3.16.110 Procurement Policy Procedure Manual.

A. The City Council herein incorporates by reference procurement policies and procedures specified in the City of Homer Procurement Policy and Procedures Manual.

B. The Manual may be revised with Council approval.

C. A copy of the Manual shall be available to the public at all times at the Homer City Hall.

CITY OF HOMER

Wayne Kessler, Mayor

ATTEST:

Kathleen Herold, City Clerk

First Reading: *November 8, 1984*
Public Hearing: *November 26, 1984*
Second Reading: *December 10, 1984*
Effective Date: *December 11, 1984*

Attorney's Approval: