

CITY OF HOMER  
HOMER, ALASKA

City Manager

ORDINANCE 24-35(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
AMENDING HOMER CITY CODE CHAPTER 3.16 PROCUREMENTS.

WHEREAS, Homer City Code 3.16 Procurements was last amended in 2001; and

WHEREAS, City Staff, with the assistance of a consultant, have undertaken a re-write of the  
City's Procurement Policy manual; and

WHEREAS, This code amendment brings code and policy into alignment.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 3.16 Procurements, is hereby amended as follows:

Sections:

- |                        |   |
|------------------------|---|
| 3.16.010               | <del>Contract and</del> <b><u>Purchase</u></b> procedure                      |
| 3.16.020               | <del>Limitation on</del> <b><u>City</u></b> Manager's authority.              |
| 3.16.030               | <b><u>Small procurement procedures</u></b> <del>Open market procedures.</del> |
| <b><u>3.16.035</u></b> | <b><u>Intermediate procurement procedure.</u></b>                             |
| 3.16.040               | Advertising for bids.   |
| 3.16.050               | Processing of bids.   |
| 3.16.060               | Exceptions to bidding requirements.   |
| 3.16.070               | Lowest responsive and responsible bidder.                                     |
| 3.16.080               | Local Bidder Preference   |
| 3.16.090               | Requirements mandatory.   |
| 3.16.100               | Change orders <del>—Manager authority.</del>                                  |
| 3.16.110               | Competitive sealed proposals - Negotiated procurement.                        |
| 3.16.120               | Policy and <del>Procedure</del> Manual.                                       |

3.16.010 ~~Contract and~~ **Purchase** procedure.

The City Manager or his designee ~~may~~ **authorize any department of the City to** ~~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~~ **City Manager's authority.**

- A. **The City Manager will have the authority to and will establish administrative procedures and provide for procurement of needed supplies, materials, or services for the City.**
- B. **The City Manager or designee will sign all contracts on behalf of the City. Designee may include the Acting City Manager or a Department Director signing within their budget authority as outlined in the procurement policy.**
- C. The **City** Manager may not ~~make~~ **authorize** an acquisition or contract ~~authorized by~~ Section 3.16.010 of this chapter if the value of the property, service or contract exceeds ten thousand dollars **fifty thousand dollars (\$50,000)**, without first obtaining City Council approval of the appropriation or unless the property, service, or contract is listed in the City's annual budget.
- ~~D. If the value of the property, service or contract exceeds ten thousand dollars but does not exceed twenty five thousand dollars, the Manager may authorize the acquisition or contract with the written concurrence of the Finance Director if appropriated funds are available, and upon seeking at least three competitive bids from a minimum of three vendors. The acquisition or contract will be awarded to the lowest responsive and responsible bidder as determined in 3.16.070 and without observing the procedure prescribed for the award of formal sealed bids. Written notice of such an acquisition or contract must be given to the City Council within 24 hours and at the next regular Council meeting.~~
- E. If the value of the property, service or contract exceeds twenty five thousand dollars, and is not listed in the City's annual budget, the acquisition or contract must be approved in advance by the City Council. (Ord. 01-06(a), 2001) (Ord. 84-32 (part) 1984)

3.16.030 **Small procurement procedures** Open market procedures.

- ~~A. Purchases or contracts authorized by Section 3.16.010 having an estimated value that does not exceed twenty five thousand dollars may be made in the open market without publishing notice in a newspaper.~~
- ~~B. A purchase or contract authorized by Section 3.16.010 having an estimated value that exceeds ten thousand dollars but does not exceed twenty five thousand dollars will be based on at least three competitive written bids and be awarded to the lowest responsive bidder as determined in 3.16.070 and without observing the procedure prescribed for the award of formal sealed bids.~~
- C. All purchase **Purchases** or contracts less than two thousand dollars **five thousand dollars (\$5,000) are incidental purchases and** will be made on the open market with such competition as is reasonable and practical in the circumstances. **These purchases require authorization by the department director.**
- D. Small procurements greater than two thousand dollars **five thousand dollars (\$5,000)** but not exceeding ten thousand dollars **(\$10,000)** will, whenever practical, be based on at least two written or oral price quotations without observing the procedure prescribed for the award of formal sealed bids. **Small procurements require**



**authorization by the department director before purchase is made.** (Ord. 01-06(a), 2001) (Ord. 87-29 § 1, 1988)

**3.16.035 Intermediate Procurement Procedures**

- A. Procurement greater than ten thousand dollars (\$10,000) but less than fifty thousand dollars (\$50,000) will be based on three price quotations.**
- B. If reasonable efforts to obtain three price quotations are unsuccessful, the City Manager may authorize the procurement based on the lowest and best price obtainable.**
- C. The department director, Finance Director, and City Manager must authorize intermediate procurements and notify the City Council at the next regular meeting.**

**3.16.040 Advertising for bids.**

- A. Purchases or contracts ~~authorized by Section 3.16.010~~ having an estimated value of more than ~~twenty five thousand dollars~~ **fifty thousand dollars (\$50,000)** may be made only after a notice calling for bids is printed in a newspaper of general circulation within the city ~~limits~~ once a week for not less than two consecutive weeks prior to the date for the bid award unless another form of media is authorized by the City Manager. The notice will 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. The bid closing date will be no sooner than five working days after the last date of advertisement.**
- C. The purchase or contract will be awarded to the lowest responsive **and responsible** bidder as determined in 3.16.070. (Ord. 01-17, 2001) (Ord. 01-06(a), 2001) (Ord. 84-32 (part), 1984)**

**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 **Manager** may:

- A. Reject defective or nonresponsive bids;**
- B. Waive any irregularities in any and all bids;**
- C. Reject all bids;**
- D. Re-advertise for bids with or without making changes in the plans, specifications, or scope of work. (Ord. 84-32 (part), 1984)**

**3.16.060 Exceptions to bidding requirements.**

Unless otherwise authorized by law, all procurement actions will be by competitive bidding. Authorized exceptions include:

- A. Negotiated procurement following unsuccessful efforts to obtain competitive bidding.**
- B. Small **and intermediate** procurements, below ~~twenty five thousand dollars~~ **fifty thousand dollars (\$50,000)**.**



- C. Emergency procurement.
- ~~D. Procurement of consultant and technical services.~~
- E. Procurement of real estate.
- F. Procurement of ~~architect engineer, construction manager, or construction completion~~ **professional** services.
- G. Interagency agreements.
- H. Utilization of State or Local government contracts.
- I. Sole source procurement.
- J. **Single source procurement.**
- K. Procurement resulting from competitive sealed proposals as defined in Section 3.16.100.
- L. Placement of insurance coverage.
- M. Electronic data processing software and hardware. Competition will be sought to the maximum extent practicable.

**For the purpose of this section:**

**“Professional services” means professional, technical, or consultant's services that are predominantly intellectual in character, result in the production of a report or the completion of a task, and include analysis, evaluation, prediction, planning, or recommendation.**

**“Sole source” means the procurement of supplies, materials, services, or construction through a sole source in the following situations:**

- 1. Based on documented research, the goods or service is only available from one source.**
- 2. When competitive procurement procedures have been followed, but a limited number, or no bids, quotations, or proposals have been received.**
- 3. Products or services that support existing software or data exchange between public or private agencies are required for compatibility with existing equipment.**
- 4. Purchase of patented articles goods or services.**
- 5. When the federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the City.**

**“Single source” means the procurement of supplies, materials, services, or construction when the contractor or consultant has a pre-existing relationship with the City and provides a specialized level of expertise, proprietary technology, or a service that is difficult to replicate by other vendors.**

3.16.070 Lowest responsive and responsible bidder.

In determining the lowest responsive and responsible bidder, the City **Manager** will 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 and payment under previous contract. (Ord. 01-17, 2001) (Ord. 01-06(a), 2001) (Ord. 84-32 (part), 1984)

3.16.080 Local Bidder Preference

- A. It is the Policy of the City of Homer to give preference to City of Homer residents, workers, businesses, contractors, producers, and dealers to the extent consistent with law or funding source.

- B. A contract or purchase will be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible non-local bid if the amount bid by such local bidder does not exceed the lowest non-local bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation or unless the Council, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section will not apply to the contract or purchases:

Non - local bid is:

\$0 - \$500,000.00

**\$500,000+**

Local bid is not more than:

5 percent higher than non-local bid

5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00. No additional adjustment for bids above \$1,000,000.00

- C. "Local bidder," for purposes of this section, means a person or firm who:
  - 1. Holds a current Alaska Business License to provide such goods or services, and such other Alaska regulatory licenses as are required to provide such goods or services; and
  - 2. Submits a bid for goods or services under the name appearing on the person's or firm's current Alaska Business License; and
  - 3. Has maintained and staffed a place of business within the boundaries of the City of Homer for a period of at least six (6) months immediately preceding the date of the bid and intends to permanently maintain such place of business in the future; and
  - 4. Is registered in the Kenai Peninsula Borough to collect sales tax and locally provides the products and services sought; and
  - 5. Is not delinquent in the payment of any taxes, charges, or assessments owing to the City of Homer on account of that business.
- D. The City Manager may require such documentation or verification by the person or firm claiming to be a local bidder as is deemed necessary to establish the requirements of this section.
- E. Local bidder's preference does not apply to sale or other disposal of personal property in chapter 18.30 of the City Code.



3.16.090 Requirements mandatory.

Except as provided in Section 3.16.100, a purchase, contract, or sale subject to the provisions of this chapter will 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. (Ord. 84-32 (part), 1984)

3.16.100 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 will 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.~~

**A change order to an existing city contract shall require the approval of the city council when the proposed modification or change order increases the contract amount by fifty thousand dollars (\$50,000) or more. No work may proceed under a modification or change order requiring city council approval prior to approval by the city council. The council shall be notified by written report at its next regular meeting of any modification or change order in excess of ten thousand dollars (\$10,000). Such notification shall include:**

- A. The dollar amount of the original contract;**
- B. The number of previous modifications or change orders;**
- C. The dollar amount of each previous modification or change order and the total aggregated dollar amount of the previous modifications and change orders;**
- D. The total dollar amount of the contract as modified or changed; and**
- E. A statement explaining the justification or need for the modification or change order.**

**Modifications and change orders shall not be arbitrarily divided into smaller amounts to avoid council approval thereof.**

**The city may make modifications or change orders in any city contract without council approval where in the judgment of the city manager an emergency or disaster exists which requires immediate action to remedy and where there is insufficient time or it is impractical to obtain council approval. Notice of such emergency or disaster modifications or change orders containing the information set forth in Section 3 of the procurement policy.**

3.16.110 Competitive sealed proposals - Negotiated procurement.

- A. If The City Manager *may* determines that *elect to* use a competitive sealed *proposal process when the bidding process* bidding is not practicable. The City may procure supplies, services or construction by competitive sealed *proposals* under this section.



- 253 B. The City Manager will solicit competitive sealed proposals by issuing a request for  
254 proposals. The request for proposals will state, or incorporate by reference, all  
255 specifications and contractual terms and conditions to which a proposal must respond  
256 and will state the factors to be considered in evaluating proposals and the relative  
257 important of those factors. Public notice of a request for proposals will be given in  
258 accordance with Section 3.16.040 (a) and (b).
- 259 C. Sealed proposals will be designated as such on an outer envelope and will be submitted  
260 by mail or in person at the place no later than the time specified in the request for  
261 proposals. Proposals not submitted at the place or within the time so specified will not be  
262 opened or considered.
- 263 D. Proposals will be received at the time and place designated in the request for proposals  
264 and will be opened so as to avoid disclosing their contents to competing proposers  
265 ~~proponents~~ during the process of negotiation. Proposals, tabulations, and evaluations  
266 thereof will be open to public inspection only after the contract award. The City  
267 Manager will issue a notice of recommendation to award to all responding proposers  
268 ~~proponents~~ at least four days prior to approval by the final decision-making authority.
- 269 E. In the manner provided in the request for proposals, the City Manager may negotiate with  
270 those proposers ~~proponents~~ whose proposals are determined to be responsive and  
271 responsible to the request for proposals. Negotiations will be used to clarify and assure  
272 full understanding of the requirements of the request for proposals after submission and  
273 prior to award to obtain best and final offers. Proposers ~~proponents~~ deemed eligible for  
274 negotiations will be treated equally regarding any opportunity to discuss or revise  
275 proposals. In conducting negotiations or requesting revisions, no city officer or  
276 employee will disclose any information derived from proposals of competing proposers  
277 ~~proponents~~.
- 278 F. If fair and reasonable compensation, contract requirements and contract documents  
279 can be agreed upon with the most qualified proposer ~~proponent~~, the contract will  
280 be awarded to that proposer ~~proponent~~.
- 281 G. If fair and reasonable compensation, contract requirements and contract documents  
282 cannot be agreed upon with the most qualified proposer ~~proponent~~, the City Manager  
283 will advise the proposer ~~proponent~~ of the termination of negotiations. If the proposals  
284 were submitted by one or more other proposers ~~proponents~~ determined to be qualified,  
285 negotiations may be conducted with such other proposers ~~proponents~~ in the order of  
286 their respective rankings. The contract may be awarded to the proposer ~~proponent~~  
287 then determined to be most qualified and advantageous to the City.
- 288 H. Awards will be made by written notice to the proposer ~~proponent~~ whose final proposal  
289 is determined to be most advantageous to the City if satisfactory compensation, contract  
290 requirements and contract documents are agreed upon pursuant to subsection F or G.  
291 No criteria other than those set forth in the request for proposals may be used in proposal  
292 evaluation. If the City Council, or the City Manager (if the contract is within the Manager's  
293 authority to award), determined that it is in the best interest of the City to do so, the City  
294 Manager may reject all proposals.



- I. When the service is routine and repetitious, the cost of the anticipated service will be considered during evaluation of proposals. This paragraph will not apply to a qualifications-based selection process. (Ord. 01-06(a), 2001) (Ord 92-38 § 1, 1992; (Ord. 84-32 (part), 1984)

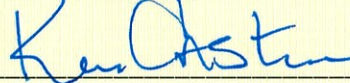
3.16.120 Procurement Policy-Procedure Manual.

- 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 will be available to the public at all times at the Homer City Hall.

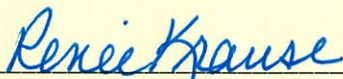
Section 2. This Ordinance is of a permanent and general character and will be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 26<sup>th</sup> day of August, 2024.

CITY OF HOMER

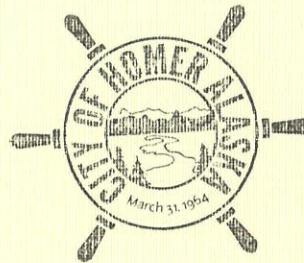
  
KEN CASTNER, MAYOR

ATTEST:

  
RENEE KRAUSE, MMC, CITY CLERK

YES: 6  
NO: 0  
ABSTAIN: 0  
ABSENT: 0

First Reading: 8/12/24  
Public Hearing: 8/26/24  
Second Reading: 8/26/24  
Effective Date: 8/27/24







# MEMORANDUM

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## Ordinance 24-35, Amending HCC 3.16 and Resolution 24-083, Adopting the Revised Procurement Policy

**Item Type:** Backup Memorandum  
**Prepared For:** Mayor Castner and Homer City Council  
**Date:** August 12, 2024  
**From:** Melissa Jacobsen, City Manager

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The current version of the City's Procurement Policy and Procedures Manual was last revised in 2013. The policies are outdated and require updates to bring them in line with the City's current needs.

In 2023 a Finance Working Group was developed and is made up of staff from all City departments that work with procurement in some way. A survey went out to the working group and department directors seeking feedback on what challenges they have with the current policy, and the key responses were related to spending authority and lack of clarity/ease of use.

Following the staff survey, the City engaged with Carmen Jackson LLC, an accounting firm that holds a term contract with the City, to assist in drafting a revised policy manual that takes into account feedback from the survey, current best practices, and reference to state and federal regulations. I also collaborated with former Fire Chief Robert Purcell for guidance in adding a section for procurements under an emergency declaration. Lastly Council Members Lord and Davis, who are working with staff as finance champions, reviewed the documents with me and Finance Director Fisher before bringing these revisions to Council.

As a result of this work, the revised Procurement Policy and Procedures Manual and an ordinance amending Homer City Code 3.16 Procurements are provided for Council's consideration.

Key changes to the policy include:

- Inclusion of a statement of General Policies
- Increase in spending authority
  - Division Directors/Second in Command from \$3,000 to \$5,000
  - Department Heads from \$4,000 to \$10,000
  - City Manager from \$10,000 to \$50,000
  - City Council approval for procurement over \$50,000
- Revised procurement matrix
- Defined spending levels and approval requirements for small, intermediate, and large purchases
- Clarified purchasing procedures and Invitation to Bid/Request for Proposals process
- Addition of a section for procurement under a local disaster emergency declaration

**RECOMMENDATION:** Adopt Ordinance 24-35 and Resolution 24-083

Link to current Procurement Policy and Procedures Manual- <https://www.cityofhomer-ak.gov/cityclerk/procurement-policy-and-procedures-manual>





# MEMORANDUM

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## Ordinance 24-35(S), Amending HCC 3.16 and Resolution 24-083, Adopting the Revised Procurement Policy

**Item Type:** Backup Memorandum  
**Prepared For:** Mayor Castner and Homer City Council  
**Date:** August 23, 2024  
**From:** Melissa Jacobsen, City Manager

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Taking into account the discussion from the August 12 Committee of the Whole and comments from the City Attorney, the substitute Ordinance 24-35(S) includes the following changes-

- Line 128 strike Procurement of consultant and technical services (these are included under professional services)
- Line 130 strike architect engineer, construction manager, or construction completion and insert professional services.
- Lines 135 and 161 add single source procurement.
- Line 144 adds definition of professional services.
- Line 154 changes patented articles to read patented goods or services included in the definition of sole source.

Corresponding edits to the Procurement Policy include –

- Line 327 strike Procurement of consultant and technical services (these are included under professional services)
- Line 329 strike architect engineer, construction manager, or construction completion and insert professional services.
- Line 368 inserts updates professional services to reflect what's in code.
- Line 369 and 408 add single source procurement to reflect what's in code.
- Line 405 changes patented articles to read patented goods or services included in the definition of sole source.

**RECOMMENDATION:** Adopt Ordinance 24-35(S) and Resolution 24-083

Link to current Procurement Policy and Procedures Manual- <https://www.cityofhomer-ak.gov/cityclerk/procurement-policy-and-procedures-manual>



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Competition will be sought to the maximum extent practicable.

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- 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 and payment under previous contract. (Ord. 01-17, 2001) (Ord. 01-06(a), 2001) (Ord. 84-32 (part), 1984)

3.16.080 Local Bidder Preference

- A. It is the Policy of the City of Homer to give preference to City of Homer residents, workers, businesses, contractors, producers, and dealers to the extent consistent with law **or funding source.**
- B. A contract or purchase will be awarded to a local bidder where the bid by such local bidder is, in all material respects, comparable to the lowest responsible non-local bid if the amount bid by such local bidder does not exceed the lowest non-local bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation or unless the Council, at its discretion, determines prior to giving notice



soliciting bids that the provisions of this section will not apply to the contract or purchases:

Non - local bid is:	Local bid is not more than:
\$0 - \$ 500,000.00	5 percent higher than non-local bid
<u><b>\$500,000+</b></u>	5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00. No additional adjustment for bids above \$1,000,000.00

C. "Local bidder," for purposes of this section, means a person or firm who:

1. Holds a current Alaska Business License to provide such goods or services, and such other Alaska regulatory licenses as are required to provide such goods or services; and
2. Submits a bid for goods or services under the name appearing on the person's or firm's current Alaska Business License; and
3. Has maintained and staffed a place of business within the boundaries of the City of Homer for a period of at least six (6) months immediately preceding the date of the bid and intends to permanently maintain such place of business in the future; and
4. Is registered in the Kenai Peninsula Borough to collect sales tax and locally provides the products and services sought; and
5. Is not delinquent in the payment of any taxes, charges, or assessments owing to the City of Homer on account of that business.

D. The City Manager may require such documentation or verification by the person or firm claiming to be a local bidder as is deemed necessary to establish the requirements of this section.

E. Local bidder's preference does not apply to sale or other disposal of personal property in chapter 18.30 of the City Code.

#### 3.16.090 Requirements mandatory.

Except as provided in Section 3.16.100, a purchase, contract, or sale subject to the provisions of this chapter will 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. (Ord. 84-32 (part), 1984)

#### 3.16.100 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 will 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.~~



**A change order to an existing city contract shall require the approval of the city council when the proposed modification or change order increases the contract amount by fifty thousand dollars (\$50,000) or more. No work may proceed under a modification or change order requiring city council approval prior to approval by the city council. The council shall be notified by written report at its next regular meeting of any modification or change order in excess of ten thousand dollars (\$10,000). Such notification shall include:**

- A. The dollar amount of the original contract;**
- B. The number of previous modifications or change orders;**
- C. The dollar amount of each previous modification or change order and the total aggregated dollar amount of the previous modifications and change orders;**
- D. The total dollar amount of the contract as modified or changed; and**
- E. A statement explaining the justification or need for the modification or change order.**

**Modifications and change orders shall not be arbitrarily divided into smaller amounts to avoid council approval thereof.**

**The city may make modifications or change orders in any city contract without council approval where in the judgment of the city manager an emergency or disaster exists which requires immediate action to remedy and where there is insufficient time or it is impractical to obtain council approval. Notice of such emergency or disaster modifications or change orders containing the information set forth in Section 3 of the procurement policy.**

3.16.110 Competitive sealed proposals - Negotiated procurement.

- A. ~~If~~The City Manager may determines that elect to use a competitive sealed proposal process when the bidding process bidding is not practicable. The City may procure supplies, services or construction by competitive sealed ~~proposals~~ under this section.
- B. The City Manager will solicit competitive sealed proposals by issuing a request for proposals. The request for proposals will state, or incorporate by reference, all specifications and contractual terms and conditions to which a proposal must respond and will state the factors to be considered in evaluating proposals and the relative important of those factors. Public notice of a request for proposals will be given in accordance with Section 3.16.040 (a) and (b).
- C. Sealed proposals will be designated as such on an outer envelope and will 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 will not be opened or considered.
- D. Proposals will be received at the time and place designated in the request for proposals and will be opened so as to avoid disclosing their contents to competing proposers ~~proponents~~ during the process of negotiation. Proposals, tabulations, and evaluations thereof will be open to public inspection only after the contract award. The City Manager will issue a notice of recommendation to award to all responding proposers



- 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 proposers proponents whose proposals are determined to be responsive to the request for proposals. Negotiations will be used to clarify and assure full understanding of the requirements of the request for proposals after submission and prior to award to obtain best and final offers. Proposers proponents deemed eligible for negotiations will be treated equally regarding any opportunity to discuss or revise proposals. In conducting negotiations or requesting revisions, no city officer or employee will disclose any information derived from proposals of competing proposers proponents.
- F. If fair and reasonable compensation, contract requirements and contract documents can be agreed upon with the most qualified proposer proponent, the contract will be awarded to that proposer proponent.
- G. If fair and reasonable compensation, contract requirements and contract documents cannot be agreed upon with the most qualified proposer proponent, the City Manager will advise the proposer proponent of the termination of negotiations. If the proposals were submitted by one or more other proposers proponents determined to be qualified, negotiations may be conducted with such other proposers proponents in the order of their respective rankings. The contract may be awarded to the proposer proponent then determined to be most qualified and advantageous to the City.
- H. Awards will be made by written notice to the proposer 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 the Manager's authority to award), determined that it is in the best interest of the City to do so, the City Manager may reject all proposals.
- I. When the service is routine and repetitious, the cost of the anticipated service will be considered during evaluation of proposals. This paragraph will not apply to a qualifications-based selection process. (Ord. 01-06(a), 2001) (Ord 92-38 § 1, 1992; (Ord. 84-32 (part), 1984)

3.16.120 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 will be available to the public at all times at the Homer City Hall.

Section 2. This Ordinance is of a permanent and general character and will be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2024.



CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

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RENEE KRAUSE, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date: