

Submitted by: Assembly Member Volland
Assembly Member Bronga
Assembly Member Brawley
Prepared by: Assembly Counsel's Office and
Purchasing Department
For reading:

ANCHORAGE, ALASKA
AO No. 2024-_____

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE TITLE 7 TO ENABLE AND AUTHORIZE SUBMISSION OF**
3 **BIDS, PROPOSALS AND GRANT APPLICATIONS IN ELECTRONIC FORM,**
4 **AND PROCESSING OF ALL PURCHASING AND PROCUREMENT ACTIONS BY**
5 **ELECTRONIC MEANS.**

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7 **WHEREAS**, Title 7, *Purchasing and Contracts and Professional Services*, of the
8 Anchorage Municipal Code currently requires submitting sealed bids of proposals
9 by mail or in person, and does not provide for or authorize submission of responses
10 to solicitations for bids or proposals by electronic means; and

11
12 **WHEREAS**, the purchasing regulations pertaining to grant proposals in the
13 Anchorage Municipal Code of Regulations currently requires submitting grant
14 applications by mail or in person, and also does not provide for or authorize
15 electronic submission; and

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17 **WHEREAS**, the Purchasing Department and Anchorage Health Department have
18 expressed interest in implementing systems that allow the public to electronically
19 submit documents, including grant proposals and applications, and to protect
20 confidential information and documents received; and

21
22 **WHEREAS**, Alaska state law, AS 09.80.150, in the Uniform Electronic Transactions
23 Act, authorizes "government agenc[ies to] send and accept electronic records and
24 electronic signatures to and from other persons and otherwise create, generate,
25 communicate, store, process, use, and rely upon electronic records and electronic
26 signatures" and to determine and specify the manner and format, control processes
27 and procedures, and any other required attributes; and

28
29 **WHEREAS**, the Anchorage Health Department has requested updating the
30 procurement code in response to several respondents to its published solicitations
31 for grant proposals that have expressed a preference for electronic submittal
32 processes available elsewhere, and disfavor with the current limitation to submittal
33 by paper hardy copies mailed or hand delivered; and

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35 **WHEREAS**, other application, license, or permit submittal procedures administered
36 by the Municipality allow for electronic submission and approval processes; and

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38 **WHEREAS**, the Assembly, Administration and Purchasing Department desire to
39 improve accessibility, efficiency and convenience for those wishing to do business
40 with the Municipality while at the same time authorizing the means to protect the
41 security, confidentiality and integrity of the procurement process; now, therefore,

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2 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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4 **Section 1.** Anchorage Municipal Code section 7.10.030 is hereby amended to
5 read as follows (*the remainder of the section is not affected and therefore not set*
6 *out*):
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8 **7.10.030 - Powers and duties of purchasing officer.**
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10 Except as this Code provides otherwise, the purchasing officer shall have the
11 following authority and responsibilities:
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- 13 *** *** ***
- 14 H. The director shall, in coordination with the director of the office of equal
15 opportunity, submit an annual report to the assembly and the mayor
16 in the form of a memorandum on EEO contract compliance; [AND]
17
- 18 I. To establish systems allowing electronic submission in response to
19 solicitations under this title, including bids, proposals, and grant
20 applications, and acceptance of electronic records and electronic
21 signatures, provided that the form and type of electronic submission,
22 control processes and procedures, and other attributes shall ensure
23 adequate preservation, disposition, integrity, security, confidentiality
24 and auditability; and
25
- 26 J. Any other authorities and responsibilities which this title assigns the
27 purchasing officer.
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29 (AO No. 79-203, 1-1-80; AO 2023-90(S), § 2, 10-24-23)
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31 **Section 2.** Anchorage Municipal Code section 7.20.020 is hereby amended to
32 read as follows (*the remainder of the section is not affected and therefore not set*
33 *out*):
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35 **7.20.020 - Solicitation and acceptance of bids.**
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- 37 *** *** ***
- 38 B. Public notice of the invitation for bids shall be published at least 14
39 days before the last day on which bids will be accepted. Such notice
40 shall also be posted at the municipality's purchasing office. The
41 contents of the notice shall be sufficient to inform interested readers
42 of the general nature of the supplies, services or construction being
43 procured and the procedure for submitting a bid. The purchasing
44 officer shall mail or otherwise deliver notices to a sufficient number of
45 prospective bidders from a current bidders' [MAILING] list maintained
46 by [IN] the purchasing office to afford equitable opportunity for
47 competition. The failure of any person to receive notice under this
48 subsection shall not affect the validity of any award or contract.
49 *** *** ***
- 50 D. Sealed bids shall be designated as such [ON THE OUTER
51 ENVELOPE] and shall be submitted by mail, by electronic means, or

1 in person at the place and no later than the time specified in the
 2 invitation for bids. If submitted by mail or in person, bids shall be
 3 sealed in an envelope marked as such. Bids not submitted at the
 4 proper place, to the proper electronic destination, or within the time
 5 specified shall not be opened or considered.

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7 (AO No. 79-203, 1-1-80; AO No. 88-163; AO No. 2009-134, § 1, 1-12-10)

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 9 **Section 3.** Anchorage Municipal Code section 7.20.060 is hereby amended to
 10 read as follows (*the remainder of the section is not affected and therefore not set*
 11 *out*):

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 13 **7.20.060 Competitive sealed proposals; negotiated procurement.**

14 *** **

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 16 B. The purchasing officer shall solicit competitive sealed proposals by
 17 issuing a request for proposals. The request for proposals shall state,
 18 or incorporate by reference, all specifications and contractual terms
 19 and conditions to which a proposal must respond, and shall state the
 20 factors to be considered in evaluating proposals and the relative
 21 importance of those factors. Public notice of a request for proposals
 22 shall be given in accordance with section 7.20.020.B. One or more
 23 pre-proposal conferences may be held in accordance with section
 24 7.20.020.C. A request for proposals may be modified or interpreted
 25 only in the manner provided in section 7.20.020.C.

26
 27 C. Sealed proposals shall be designated as such [ON AN OUTER
 28 ENVELOPE] and shall be submitted by mail, by electronic means, or
 29 in person at the place and no later than the time specified in the
 30 request for proposals. If submitted by mail or in person, proposals shall
 31 be sealed in an envelope marked as such. Proposals not submitted at
 32 the place, to the proper electronic destination, or within the time so
 33 specified shall not be opened or considered.

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35 (AO No. 79-203, 1-1-80; AO No. 88-163; AO No. 92-82(S), 1-1-93; AO No.
 36 92-87(S); AO No. 94-174, § 1, 10-25-64; AO No. 2001-122(S-1), § 5, 7-24-
 37 01; AO No. 2007-22, § 2, 2-27-07; AO No. 2023-56(S), § 1, 5-9-23)

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 39 **Section 4.** Anchorage Municipal Code of Regulations section 7.70.001 is hereby
 40 amended to read as follows (*the remainder of the section is not affected and*
 41 *therefore not set out*):

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 43 **7.70.001 - Grant proposal procedures.**

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 45 A. The purchasing officer may solicit grant proposals by issuing a request
 46 for grant proposals. The request for grant proposals shall state, or
 47 incorporate by reference, all terms and conditions to which a grant
 48 proposal must respond, and shall state the factors to be considered in
 49 evaluating grant proposals and the relative importance of those
 50 factors. Public notice of a request for grant proposals shall be given in
 51 accordance with Anchorage Municipal Code 7.20.020.B. One or more

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pre-proposal conferences may be held in accordance with Anchorage Municipal Code 7.20.020.C. A request for grant proposals may be modified only in the manner provided in Anchorage Municipal Code 7.20.020.C.

B. Grant proposals shall be designated as such [ON AN OUTER ENVELOPE] and shall be submitted by mail, by electronic means, or in person at the place and no later than the time specified in the request for grant proposals. If submitted by mail or in person, grant proposals shall be sealed in an envelope marked as such. Grant proposals not submitted at the place, to the proper electronic destination, or within the time so specified shall not be opened or considered.

*** *** ***
(AR No. 83-275)

Section 5. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair

ATTEST:

Municipal Clerk

