

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 SUBMISSION.**  
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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 or 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  
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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  
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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  
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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,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 7.10.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**7.10.010 Definitions.**  
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Electronic bidding system means a system able to receive electronic bid, proposal, and grant application documents and corrections to the same, record the date and time of receipt of submitted documents, secure and restrict the electronic submissions from review until appropriate under this title, and provide an accessible record that documents the solicitation.

Electronic Submission means using an electronic bidding system approved by the purchasing officer.

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(AO No. No. 79-203, 1-1-80; AO No. 2001-146, §§ 2—19, 8-28-01; AO No. 2017-143 , § 1, 11-7-17)

**Section 2.** Anchorage Municipal Code section 7.10.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**7.10.030 Powers and duties of purchasing officer.**

Except as this Code provides otherwise, the purchasing officer shall have the following authority and responsibilities:

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H. The director shall, in coordination with the director of the office of equal opportunity, submit an annual report to the assembly and the mayor in the form of a memorandum on EEO contract compliance; [AND]

I. To establish and approve an electronic bidding system to receive submission in response to solicitations under this title, including bids, proposals, and grant applications, and acceptance of electronic records and electronic signatures, provided that **there shall be no fee for applicants or potential applicants to access an approved electronic bidding system, and** the form and type of electronic submission, control processes and procedures, and other attributes, shall ensure adequate preservation, disposition, integrity, security, confidentiality and auditability; and

J. Any other authorities and responsibilities which this title assigns the purchasing officer.

(AO No. 79-203, 1-1-80; AO 2023-90(S), § 2, 10-24-23)

**Section 3.** Anchorage Municipal Code section 7.20.020 is hereby amended to

1 read as follows (*the remainder of the section is not affected and therefore not set*  
2 *out*):

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4 **7.20.020 Solicitation and acceptance of bids.**

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7 B. Public notice of the invitation for bids shall be published at least 14  
8 days before the last day on which bids will be accepted. Such notice  
9 shall also be posted at the municipality's purchasing office. The  
10 contents of the notice shall be sufficient to inform interested readers  
11 of the general nature of the supplies, services or construction being  
12 procured and the procedure for submitting a bid. The purchasing  
13 officer shall mail or otherwise deliver notices to a sufficient number of  
14 prospective bidders from a current bidders' [MAILING] list maintained  
15 by [IN] the purchasing office to afford equitable opportunity for  
16 competition. The failure of any person to receive notice under this  
17 subsection shall not affect the validity of any award or contract.

18 \*\*\* \*\*

19 D. Sealed bids shall be designated as such [ON THE OUTER  
20 ENVELOPE] and shall be submitted by mail, by electronic submission,  
21 or in person at the place and no later than the time specified in the  
22 invitation for bids. If submitted by mail or in person, bids shall be  
23 sealed in an envelope marked as such. Bids not submitted at the  
24 proper place, to the proper electronic destination, or within the time  
25 specified shall not be opened or considered.

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

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29 **Section 4.** Anchorage Municipal Code section 7.20.060 is hereby amended to  
30 read as follows (*the remainder of the section is not affected and therefore not set*  
31 *out*):

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33 **7.20.060 Competitive sealed proposals; negotiated procurement.**

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36 B. The purchasing officer shall solicit competitive sealed proposals by  
37 issuing a request for proposals. The request for proposals shall state,  
38 or incorporate by reference, all specifications and contractual terms  
39 and conditions to which a proposal must respond, and shall state the  
40 factors to be considered in evaluating proposals and the relative  
41 importance of those factors. Public notice of a request for proposals  
42 shall be given in accordance with section 7.20.020.B. One or more  
43 pre-proposal conferences may be held in accordance with section  
44 7.20.020.C. A request for proposals may be modified or interpreted  
45 only in the manner provided in section 7.20.020.C.

46  
47 C. Sealed proposals shall be designated as such [ON AN OUTER  
48 ENVELOPE] and shall be submitted by mail, by electronic submission,  
49 or in person at the place and no later than the time specified in the  
50 request for proposals. If submitted by mail or in person, proposals shall  
51 be sealed in an envelope marked as such. Proposals not submitted at

the place, to the proper electronic destination, or within the time so specified shall not be opened or considered.

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

**Section 5.** Anchorage Municipal Code of Regulations section 7.70.001 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**7.70.001 - Grant proposal procedures.**

A. The purchasing officer may solicit grant proposals by issuing a request for grant proposals. The request for grant proposals shall state, or incorporate by reference, all terms and conditions to which a grant proposal must respond, **[AND SHALL STATE]** the factors to be considered in evaluating grant proposals, **[AND]** the relative importance of those factors, and the manner and time limits for submitting proposals. Public notice of a request for grant proposals shall be given in accordance with Anchorage Municipal Code 7.20.020.B. One or more 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.

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B. Grant proposals shall be designated as such [ON AN OUTER ENVELOPE] and shall be submitted in the manner required [BY MAIL, by electronic submission, 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 in the manner required [AT THE PLACE, to the proper electronic destination,] or within the time so specified shall not be opened or considered.

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(AR No. 83-275)

**Section 6.** This ordinance shall be effective immediately upon passage and approval by the Assembly.

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

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Chair

ATTEST:

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Municipal Clerk

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