

Municipality of Anchorage



C/O OFFICE OF THE CLERK
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TELEPHONE: (907) 343-4311

BOARD OF ETHICS

November 19, 2010

Re: Request for Advisory Opinion 2010-13

Dear Mr. Hodges,

We write in response to your request for an advisory opinion regarding your business with the Anchorage School District (ASD). In issuing this opinion we have relied on the information presented to us in your Request for Advisory Opinion and additional information provided to us by you and members of purchasing department of ASD at our October 21, 2010 meeting. We have not undertaken an independent investigation of such information. If material facts have not been disclosed or have been misrepresented this opinion is without force and effect.

As we understand it, you are the head coach of the Service High School Rifle Team. You also provide gunsmithing service to students and coaches from various Anchorage School District (ASD) rifle teams. Furthermore, you sell targets and ammunition (pellets) to various rifle teams in the ASD. Our understanding is that you are the only gunsmith providing service to precision air rifles in Anchorage (and possibly in the state of Alaska), and that your charges for both your gunsmithing and for the targets and pellets are modest.

The Municipal Ethics Code does allow an employee of ASD to do business with ASD. However, several criteria must be met:

1. The work must be competitively solicited.
2. You must file a Notice of Intent to Respond to a Public Solicitation which should be provided to the Municipal Clerk and to the purchasing officer of ASD. This may be done on an annual basis provided that it is for an informal request for quotation (RFQ).
3. Neither you, nor a member of you immediate family, should work for the administrative department awarding or administering the contract.
4. Neither you, nor a member of the employee's immediate family, should take any official action with respect to preparation of the solicitation, award or municipal administration of the contract.

5. You should not, in fact or appearance, attempt to influence the award by actions of the employee or through the actions of others.
6. Your administrative supervisor and the designated ethics officer must confirm in writing that they have each reviewed your notice and that either no potential for conflict exists or the potential for conflict has been managed by taking the preventive measures as confirmed in writing.
7. The purchasing officer or other municipal official responsible for the procurement must confirm in writing in the form prescribed by the municipal clerk that the integrity of the public solicitation process is not adversely affected.
8. Upon award, the notice of intent with supplemental confirmations shall be filed with the municipal clerk for retention in a file open to the public.

These requirements may seem onerous, but they are necessary to preserve the integrity of the public process. Clearly you are providing a great service to ASD and the Board recognizes, and appreciates, this. Thus we recommend that the above steps be done in a streamlined fashion. The competitive process for your gunsmithing can be done annually, and your Notice of Intent to Respond to a Public Solicitation, as well as the statements from your supervisor and ethics officer, may also be done annually. Targets and ammunition sales can be consolidated throughout ASD to allow for a single solicitation. Because this solicitation comes through the purchasing department, the Board believes that you satisfy requirement #3.

Again, let me emphasize that the Board appreciates the great work that you do for ASD and its students and we hope that these requirements do not dissuade from continuing that service.

Sincerely,



Terrence Kelly
Vice Chair
Municipal Board of Ethics