

ANCHORAGE, ALASKA
AO No. 2021-33

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING**
2 **ANCHORAGE MUNICIPAL CODE SECTION 7.20.090 TO ALLOW TEMPORARY**
3 **SUSPENSION OF PROCUREMENT RULES IN ORDER TO TIMELY EXPEND**
4 **FEDERAL AND STATE FUNDS, INCLUDING EMERGENCY AND DISASTER**
5 **RELIEF FUNDS.**
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8 **WHEREAS**, Title 7 of the Anchorage Municipal Code (AMC) governs procurement
9 and contract administration, with section 7.20.090 authorizing the mayor to bypass
10 purchasing requirements during an emergency; and
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12 **WHEREAS**, the Municipality of Anchorage (MOA) Proclamation of Emergency
13 (COVID-19), which has been in effect since March 12, 2020, included a provision
14 that suspended the requirements of Chapters 7.15 and 7.20 for the duration of the
15 emergency, with the exception of the requirements in section 7.20.090, to facilitate
16 acquiring services, goods and personnel for public safety and wellbeing from the
17 effects of the pandemic; and
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19 **WHEREAS**, the MOA Proclamation of Emergency is set to expire April 16, 2021;
20 and
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22 **WHEREAS**, while the COVID-19 infection rate and the number of cases have
23 recently increased within the MOA, and factors from new variants and high case
24 counts in neighboring communities pose risks to MOA residents, the current and
25 projected health care capacity, along with improved treatments and the increasing
26 availability of vaccines have enabled the MOA to continue to transition out of a state
27 of emergency; and
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29 **WHEREAS**, during this period of transition, as federal and State disaster and
30 economic relief funds are set to be disbursed to communities, it is expected that
31 there will be enduring issues, such as those surrounding economic recovery, mass
32 care and vaccine distribution that may not warrant continuing the state of emergency
33 but require agility and flexibility to quickly expend relief funds to meet the
34 community's needs and prevent further crises from occurring; and
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36 **WHEREAS**, the MOA's procurement requirements are intended to produce best
37 value for taxpayer dollars, provide transparency, enable public participation, ensure
38 fairness and satisfy the right to competitive bid, under normal situations it can take
39 months to establish contracts to procure goods and services; and
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41 **WHEREAS**, to maximize benefit and hasten economic recovery, relief funds need
42 to be quickly disbursed; now, therefore

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 7.20.090 is hereby amended to read as follows:

7.20.090 - Emergency procurements.

A. The municipality may award a contract for supplies, services, professional services or construction without competition, formal advertising or other formal procedure if: [WHERE]

1. The mayor determines in writing that an emergency threatening the public health, safety or welfare requires that the contract be awarded without delay; or

2. The assembly authorizes by resolution the temporary suspension of procurement rules in order to expend federal or state funds prior to expiration of spending authority for said funds and the assembly makes a finding that formal procurement is reasonably unlikely to be completed in time to utilize the funds.

B. If the contract is otherwise subject to section 7.15.040, a report on such contract shall be made to the assembly no later than the second regular meeting following award of the contract. The report shall include justification for the contract, all costs of the contract, and identification of the persons or entity awarded the contract.

(AO No. 79-203, 1-1-80)

Cross reference— Civil emergency, ch. 3.80; contract amendments, § 7.15.090.

Section 2. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2021.

Chair

ATTEST:

Municipal Clerk