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

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

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

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

WHEREAS, Alaska state law, AS 09.80.150, in the Uniform Electronic Transactions Act, authorizes “government agencies to send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures” and to determine and specify the manner and format, control processes and procedures, and any other required attributes; and

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

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

WHEREAS, the Assembly, Administration and Purchasing Department desire to improve accessibility, efficiency and convenience for those wishing to do business with the Municipality while at the same time authorizing the means to protect the 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.

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.

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:

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.

Section 3. Anchorage Municipal Code section 7.20.020 is hereby amended to
read as follows (the remainder of the section is not affected and therefore not set out):

7.20.020 Solicitation and acceptance of bids.

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

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

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

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

7.20.060 Competitive sealed proposals; negotiated procurement.

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

C. Sealed proposals shall be designated as such [ON AN OUTER ENVELOPE] and shall be submitted by mail, by electronic submission, or in person at the place and no later than the time specified in the request for proposals. If submitted by mail or in person, proposals shall 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.

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:
Municipal Clerk