

Introduced by: City Manger Herron  
Date: November 18, 2003  
Public Hearing: December 9, 2003  
Action: Passed  
Vote: Unanimous

## ***CITY OF BETHEL, ALASKA***

### **ORDINANCE #03-20**

#### **AN ORDINANCE AUTHORIZING THE CITY OF BETHEL TO ENTER INTO A SOLE-SOURCE CONTRACT WITH AFFILIATED APPRAISERS OF ALASKA FOR APPRAISALS OF THE PROPERTY PARCELS NEEDED FOR THE BETHEL RIVER BANK STABILIZATION PROJECT, AND EXEMPTING THE TRANSACTION FROM CERTAIN PROVISIONS OF CHAPTER 4.20 OF THE BETHEL MUNICIPAL CODE**

**WHEREAS** the City of Bethel ("City") is currently working with the Army Corps of Engineers to stabilize the banks of Brown's Slough and the Kuskokwim River, referred to as the Bethel River Bank Stabilization Project ("Project");

**WHEREAS** the Army Corp of Engineers, federal and state law require appraisals to be done of property parcels from which easements for the Project will be needed;

**WHEREAS** the City issued a request for proposals on October 6, 2003, in accordance with the City of Bethel Municipal Code ("BMC") at Section 4.20.170, for the professional services of an appraiser regarding the property parcels needed for the Project, and required the appraisals to begin by November 10, 2003, and to be completed in 21 days;

**WHEREAS** the request for proposals specified that the responses were due by November 6, 2003;

**WHEREAS** a public notice regarding the request for proposals for an appraiser for the Project was properly published in accordance with BMC Sections 4.20.090 and 4.20.170(B), on or about October 6, 2003;

**WHEREAS** in addition to the public notice, letters were sent on or about October 7, 2003, to six appraisers whose names were on the Army Corps of Engineers list of qualified appraisers;

**WHEREAS** the request for proposals was modified on October 16, 2003, and additional letters sent to the six appraisers on the Army Corps of Engineers list of qualified appraisers, removing the requirements that the appraisal work begin by November 10, 2003, and that it be completed in 21 days, and instead requesting the appraisers to provide their best estimate of when they could begin and complete the appraisals;

**WHEREAS** by November 6, 2003, only one response was received with a proposal,

which was to complete the appraisals at a cost of \$30,000, and with the start date of the appraisals not scheduled to begin until March 1, 2004, with April 30, 2004 as the completion date;

**WHEREAS** the City determined that the completion date of April 30, 2004 was unacceptable, for there would not be insufficient time to obtain the easement rights which the Army Corp of Engineers requires before it will solicit construction bids to start construction for the Project in the 2004 construction season, and therefore rejected the proposal;

**WHEREAS** the Planning Department Director began follow-up contacts with various appraisers, and located one appraiser, Affiliated Appraisers of Alaska, that is on the Army Corp of Engineer's list of qualified appraisers, that could begin the appraisal project by early December 2003, and complete it within 30 days, for a contract price of \$20,500; and

**WHEREAS** the City has already appropriated money for the appraisals as part of the City's required match for the Project, and that sufficient monies exist to pay for this contract with Affiliated Appraisers of Alaska.

**THEREFORE BE IT ORDAINED** by the City Council of Bethel, Alaska that:

**SECTION 1. Classification.** This ordinance is not permanent in nature and shall not be incorporated into the Bethel Municipal Code ("BMC").

**SECTION 2.** In accordance with BMC Section 4.20.180, the City Council has determined that the conditions enumerated in Section 4.20.180 have been met in this case to justify a sole source contract with Affiliated Appraisers of Alaska. Documentation exists which verifies that the City has followed the procedures set forth in BMC Section 4.20.170 for procuring the professional services of an appraiser through a request for proposals, and has conducted a good faith review of the one submitted proposal and of available resources that could timely and reasonably complete the appraisals needed for the Project, and that only one reasonable and responsive source for the professional service exists, Affiliated Appraisers of Alaska.

**SECTION 3.** The City Council has determined that BMC Section 4.20.170 shall not apply to the professional services contract between the City and Affiliated Appraisers of Alaska regarding the Project.

**SECTION 4.** The City Council has determined that a contract with Affiliated Appraisers of Alaska is in the best interests of the City, with the cost being reasonable and meeting the immediate needs of the City, and therefore authorizes the Mayor to enter into a contract with Affiliated Appraisers to provide appraisals for the property parcels from which easements for the Project will be needed.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon passage.

**ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2003 by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.**

ATTEST:

\_\_\_\_\_  
Hugh Short, Mayor

\_\_\_\_\_  
Amanda Roudebush, City Clerk