

Introduced by: Finance Committee
Date: November 27, 2012
Public Hearing: December 11, 2012
January 8, 2013
January 22, 2013
Action: Failed
Vote: 0-6

CITY OF BETHEL, ALASKA

Ordinance #12-10

AN ORDINANCE AMENDING SECTIONS 4.20.030M, 4.20.090E, 4.20.100E OF THE BETHEL MUNICIPAL CODE, TO AMEND LOCAL PREFERENCE

WHEREAS, a local bidders preference has been a long standing provision within the Bethel Municipal Code,

WHEREAS, it is imperative to provide to local businesses a bidding preference based on its operation within Bethel, while remaining fair toward businesses that are not primarily based within the City of Bethel but wish to bid on City projects,

WHEREAS, the City of Bethel must balance the need for a local preference with that of rising project costs with limited funds available,

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Amending BMC 4.20.030M. The Bethel Municipal Code section 4.20.030M, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.030 Definitions (M). Local Business "Local business" means:

1. A business with fixed offices or distribution points located within the boundaries of the city of Bethel for a period of at least six (6) months immediately preceding the date of the bid and intends to permanently maintain such place of business;

2. Who has a current city and state of Alaska business license to provide such goods or services; and submits a bid for goods and services under the name of the business appearing on the current city and state of Alaska business license;

3. Who is at the time of bidding or proposing in compliance with all requirements of the city sales tax ordinance; and is not delinquent in the payments of any taxes, charges or assessments owing to the City of Bethel.

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4. The City Manager may require such documentation or verification by the bidder claiming to be a local business as deemed necessary to establish the requirements of this section.

5. A Bethel post office box number or residential address may not be used solely to establish status as a local business.

SECTION 3. Amending BMC 4.20.090E. The Bethel Municipal Code section 4.20.090E, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.090 Competitive sealed bidding E. Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as otherwise authorized in this chapter. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for awards shall be objectively measurable, such as discounts, transportation costs, and total life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. The criteria shall include a statement that any local business submitting a bid shall be awarded where the bid by such local bidder is, in all material respects, comparable to the lowest responsible non-local bid if the amount bid by such local bidder does not exceed the lowest non-local bid by more than the following percentages, unless such an award is contrary to state or federal law or regulation or unless the Council, at its discretion, determines prior to giving notice soliciting bids that the provisions of this section shall not apply to the contract or purchases:

Non - local bid is: Local bid is not more than:

\$0 - \$ 500,000.00: 5 percent higher than non-local bid

\$0 - \$1,000,000.00: 5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

No additional adjustment for bids above \$1,000,000.00

~~receive a five (5) percent preference in determining the lowest responsible and responsive bidder. No criteria may be used in bid evaluation that is not set forth in the invitation for bids.~~

SECTION 4. Amending BMC 4.20.100E. The Bethel Municipal Code section 4.20.100E, is amended as follows (new language is underlined and ~~old language is stricken out~~):

4.20.100 Competitive sealed proposals. E. Evaluation Factors. The request for proposals shall state the relative importance of price and other evaluation factors. The evaluation factors shall include a statement that any local business submitting a proposal shall receive a five (5) percent preference if Local bid is not more than: \$0 - \$ 500,000.00, 5 percent higher than non-local bid; \$0 - \$1,000,000.00, 5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00
No additional adjustment for bids above \$1,000,000.00

in evaluating the proposed price.

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SECTION 5. Effective Date. This section shall become effective immediately upon the passage by the City Council.

**ENACTED THIS _____ DAY OF _____ 2012, BY A VOTE OF ___IN FAVOR AND ___
OPPOSED.**

Joseph A. Klejka , Mayor

ATTEST:

Lori Strickler, City Clerk