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| Introduced by: | Mayor |
| Date: | 09/06/16 |
| Hearing: | 10/11/16 |
| Action: | Enacted |
| Vote: | 9 Yes, 0 No, 0 Absent |

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-34**

**AN ORDINANCE AMENDING KPB CHAPTER 5.28, PROCUREMENT AND
PURCHASING, TO AUTHORIZE THE ACCEPTANCE OF ELECTRONIC BIDS
AND PROPOSALS**

WHEREAS, the borough procurement code does not currently authorize the electronic submission of bids or proposals; and

WHEREAS, allowing for electronic submissions of bids and proposals is expected to result in cost savings for the borough and the public, increased efficiencies, and allow broader access to bidders outside of the local area thereby promoting competition; and

WHEREAS, the Purchasing and Contracting and Information Technology Departments have determined that e-bidding software solutions provide security and confidentiality that surpass paper submission systems, and such systems are in use by many federal and state agencies; and

WHEREAS, the borough's best interests would be served by allowing the acceptance of electronically submitted bids and proposals;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB 5.28.200 is hereby amended as follows:

5.28.200. Competitive sealed bidding.

Unless otherwise authorized under this chapter or other provisions of law, all borough contracts for supplies, services (excluding professional services) and construction shall be awarded by competitive sealed bidding. The purchasing officer may receive competitive sealed bids through an electronic bidding system, if the system is able to receive electronic bid documents and corrections to bid documents, document the date and time of receipt of bid documents, secure the electronic bid submissions from review until after the date and time of bid opening and provide an accessible record that documents the solicitation.

SECTION 2. That KPB 5.28.210 is hereby amended as follows:

5.28.210. Solicitation and acceptance of bids.

- A. The purchasing officer or designee shall initiate competitive bidding by issuing an invitation for bids. The invitation for bids shall be prepared by the requesting agency and shall state, or incorporate by reference, all specifications and contractual terms and conditions applicable to the procurement.
- B. Public notice of the invitation for bids shall be [PUBLISHED] made accessible through the borough's website, published at the office of the purchasing officer, and at least once in the newspapers of general circulation in the Borough at least 10 days before the last day on which bids will be accepted. The mayor shall determine whether the services or products sought by each individual contract are of a type available from businesses located within the borough, and shall cause additional publication of the invitation for bids within each region of the borough where such availability has been determined to exist. [SUCH NOTICE SHALL ALSO BE POSTED AT THE OFFICE OF THE PURCHASING OFFICER.] 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.
- C. The purchasing officer, at the request of the agency head, may provide for a pre-bid conference. At the pre-bid conference or at other times deemed appropriate by the agency head, the terms of an invitation for bids may be modified or interpreted only by written addenda issued by the purchasing officer or appropriate agency head or designee. Addenda to bids shall be sent to each recipient of the original bid documents. Only a bid acknowledging receipt of all addenda may be considered responsive, unless the addendum, in the opinion of the mayor or the agency head, would have no material effect on the terms of the bid.
- D. Unless sealed bids are being submitted through an electronic bidding system [S] sealed bids shall be designated as such on the outer envelope and shall be submitted by mail or in person at the place and no later than the time specified in the invitation of bids. Bids not submitted at the proper place or within the time specified will not be opened or considered and will be returned to the respective bidders. If a bid is inadvertently opened, the bid shall be immediately resealed and an appropriate explanation noted on the envelope; the resealed bid shall be then kept with the other bids submitted.

E. Sealed bids submitted through an electronic bidding system shall conform to the requirements set forth in the solicitation, including any requirement for electronic signatures.

[E]F. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The purchasing officer shall tabulate the amount of each bid and shall record such other information as may be necessary or desirable for evaluation together with the name of each bidder. The tabulation shall be open to public inspection, and a copy of the tabulation shall be furnished to each bidder upon request. Any bidder may review the bids after tabulation or summary.

[F]G. Bids shall be submitted unconditionally in accordance with bid instructions and specifications. No alteration or correction to a submitted bid will be allowed after the specified time for receipt of the bid. For purposes of determining the apparent low bidder and the responsiveness of bids, no criteria except those set forth in the invitation for bids, including all specifications and addenda, may be used.

SECTION 3. That KPB 5.28.240 is hereby amended as follows:

5.28.240. Waiver of irregularities.

The purchasing officer shall have the authority to waive irregularities on any and all bids, except that timeliness and [MANUAL] signature requirements shall not be waived.

SECTION 4. That KPB 5.28.250(C) is hereby amended as follows:

5.28.250. Proposals for professional services or where bidding not practicable.

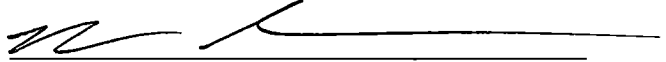
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C. Sealed proposals [SHALL BE DESIGNATED AS SUCH ON AN OUTER ENVELOPE AND] shall be submitted in accordance with the procedures set forth in KPB 5.28.210(D) and (E) [BY MAIL OR IN PERSON AT THE PLACE AND NO LATER THAN THE TIME SPECIFIED IN THE REQUEST FOR PROPOSALS]. Proposals not submitted in accordance with the procedures set forth in KPB 5.28.210(D) and (E) [AT THE PLACE OR WITHIN THE TIME SPECIFIED] shall not be opened or considered.

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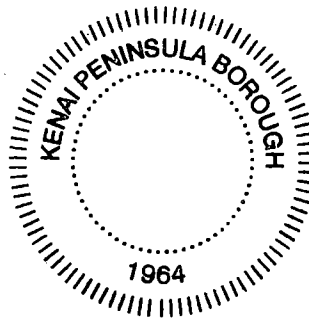
SECTION 5. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
11TH DAY OF OCTOBER, 2016.**


Blaine Gilman, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Welles, Gilman
No: None
Absent: None