

Submitted by: Assembly Members  
LaFrance, Zaletel and  
Acting Vice-Chair  
Weddleton

Submitted by: Assembly Counsel's  
Office

For reading: April 13, 2021

**ANCHORAGE, ALASKA**  
**AO No. 2021-33(S), As Amended**

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTION 7.20.090 TO ALLOW TEMPORARY SUSPENSION OF PROCUREMENT RULES IN ORDER TO TIMELY EXPEND FEDERAL AND STATE FUNDS, INCLUDING EMERGENCY AND DISASTER RELIEF FUNDS.**

**WHEREAS**, Title 7 of the Anchorage Municipal Code (AMC) governs procurement and contract administration, with section 7.20.090 authorizing the mayor to bypass purchasing requirements during an emergency; and

**WHEREAS**, the Municipality of Anchorage (MOA) Proclamation of Emergency (COVID-19), which has been in effect since March 12, 2020, included a provision that suspended the requirements of Chapters 7.15 and 7.20 for the duration of the emergency, with the exception of the requirements in section 7.20.090, to facilitate acquiring services, goods and personnel for public safety and wellbeing from the effects of the pandemic; and

**WHEREAS**, the MOA Proclamation of Emergency is set to expire April 16, 2021; and

**WHEREAS**, while the COVID-19 infection rate and the number of cases have recently increased within the MOA, and factors from new variants and high case counts in neighboring communities pose risks to MOA residents, the current and projected health care capacity, along with improved treatments and the increasing availability of vaccines have enabled the MOA to continue to transition out of a state of emergency; and

**WHEREAS**, during this period of transition, as federal and State disaster and economic relief funds are set to be disbursed to communities, it is expected that there will be enduring issues, such as those surrounding economic recovery, mass care and vaccine distribution that may not warrant continuing the state of emergency but require agility and flexibility to quickly expend relief funds to meet the community's needs and prevent further crises from occurring; and

**WHEREAS**, the MOA's procurement requirements are intended to produce best value for taxpayer dollars, provide transparency, enable public participation, ensure fairness and satisfy the right to competitive bid, under normal situations it can take months to establish contracts to procure goods and services; and

**WHEREAS**, to maximize benefit and hasten economic recovery, relief funds need

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 [~~and expedited~~] P[~~p~~]rocurements *and Waiver of Formal Procurement Procedures.***

**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 mayor waives, in writing, the formal procedures of this title when time is of the essence and the best interests of the municipality will be served by such action; or**

3. **The assembly authorizes by resolution the temporary suspension of procurement rules in order to expend federal or state funds expeditiously in accordance with the funding intent and the assembly makes a finding that formal procurement is reasonably likely to frustrate or delay the intent; or**

4. **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 fully utilize the funds.**

**B.** **Contracts awarded under this section shall be reported to the assembly [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.

**C.** Waivers granted under A.2. shall be reported in writing to the Assembly within 24 hours of issuance. The Assembly may revoke a waiver by resolution.

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

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

**Section 2.** *(This section newly added in the S-version)* Anchorage Municipal Code section 7.20.120 is hereby repealed.

**7.20.120 - Waiver of formal procedures. (Repealed)**

[THE MAYOR MAY WAIVE, IN WRITING, THE FORMAL PROCEDURES OF THIS TITLE WHEN TIME IS OF THE ESSENCE AND THE BEST INTERESTS OF THE MUNICIPALITY WILL BE SERVED BY SUCH ACTION. ALL CONTRACTS FOR WHICH FORMAL PROCEDURES ARE WAIVED UNDER THIS SECTION SHALL BE REPORTED TO THE ASSEMBLY AT ITS NEXT MEETING. THE REPORT SHALL CONTAIN THE INFORMATION DESCRIBED IN SECTION 7.15.040.A AND SHALL SUMMARIZE THE REASONS FOR PROCEEDING UNDER THIS SECTION.]

(AO No. 79-203, 1-1-80; AO No. 88-163; AO No. 2001-122(S-1), § 8, 7-24-01)

**Editor's note: The provisions of this section are now included in section 7.20.090.**

**Section 3[2].** This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of May, 2021.

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Chair

ATTEST:

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Municipal Clerk