

EXHIBIT NO. 1

17
9-12-09

~~23~~
~~9-8-09~~

City of Alexandria, Virginia

MEMORANDUM

DATE: AUGUST 26, 2009
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: JAMES K. HARTMANN, CITY MANAGER *J*
SUBJECT: ORDINANCE TO AMEND NOTICE PROVISIONS FOR COMPETITIVE SEALED BIDDING AND COMPETITIVE NEGOTIATION

ISSUE: Consideration of an ordinance to amend the public notice provisions for competitive sealed bidding and competitive negotiation processes.

RECOMMENDATION: That City Council pass the ordinance on first reading and schedule it for public hearing, second reading and final passage on Saturday, September 12.

DISCUSSION: The Procurement Department seeks to update the notice requirements for its competitive sealed bidding and competitive negotiation processes to reflect changes in standard governmental procurement practice as a result of technological advances that have occurred since the current notice ordinances were enacted in 1983. As do almost all local governments in today's environment, the City relies primarily on technology solutions and services to advertise opportunities to business with the City. Current opportunities to bid and propose are listed on the City's external web site, and firms and individuals are directly notified of solicitations of interest to them through the City's web-based e-procurement system. Through the City's e-procurement system, interested parties can download Request for Proposal (RFP) and Invitation to Bid (ITB) documents and automatically receive amendments and clarifications as an RFP or ITB process proceeds. Notices of opportunities to bid and propose on City contracts, copies of the solicitation documents, and amendments to the solicitations are also distributed at no cost to the City through several commercial, web-based services.

This ordinance would delete the current paragraph (b) of Sec. 3-3-36, which dates to a time now passed when the City and other local governments relied heavily on newspaper advertisements to inform firms and individuals of bidding opportunities. This ordinance also would amend paragraph (a) of Sec. 3-3-36 and Sec. 3-3-64, which currently require that public notice of bidding and proposal opportunities, respectively, be published in a newspaper of general circulation at least ten days prior to the receipt of offers.

The amended ordinance would provide that public notice of bidding and proposal opportunities be published in a newspaper of general publication a reasonable time prior to the receipt of offers. Given the speed at which information and documents now flow, a requirement for a fixed number of days is an anachronism and could unnecessarily delay the fulfillment of an immediate need for a good or service by a City department.

STAFF:

Bruce Johnson, Chief Financial Officer

Stephen B. Gordon, Director of Procurement

Christina Zechman Brown, Assistant City Attorney

1 Introduction and first reading: 9/8/09
2 Public hearing: 9/12/09
3 Second reading and enactment: 9/12/09
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5 INFORMATION ON PROPOSED ORDINANCE
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7 Title
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9 AN ORDINANCE to amend Section 3-3-36 (NOTICE OF INVITATION TO BID) of Division 1
10 (COMPETITIVE SEALED BIDDING) of Article D (CONTRACT FORMATION AND
11 SOURCE SELECTION) of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES)
12 of Title 3 (FINANCE, TAXATION AND PROCUREMENT) and Section 3-3-64 (PUBLIC
13 NOTICE) of Division 2 (COMPETITIVE NEGOTIATION) of Article D (CONTRACT
14 FORMATION AND SOURCE SELECTION) of Chapter 3 (PURCHASES AND
15 CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION AND
16 PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.
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18 Summary
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20 The proposed ordinance would amend sections of the Code to update the public notice
21 requirements for invitations to bid and requests for proposals to reflect technological
22 advances.
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24 Sponsor
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26 Stephen B. Gordon, Director of Procurement
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28 Staff
29

30 Bruce Johnson, Chief Financial Officer, Management and Budget
31 Stephen B. Gordon, Director of Procurement
32 Christina Zechman Brown, Assistant City Attorney
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34 Authority
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36 §§ 5.12 and 5.13 of the City Charter
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38 Estimated Costs of Implementation
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40 None
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42 Attachments in Addition to Proposed Ordinance and its Attachments (if any)
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44 None
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ORDINANCE NO. _____

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3 AN ORDINANCE to amend Section 3-3-36 (NOTICE OF INVITATION TO BID) of Division 1
4 (COMPETITIVE SEALED BIDDING) of Article D (CONTRACT FORMATION AND
5 SOURCE SELECTION) of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES)
6 of Title 3 (FINANCE, TAXATION AND PROCUREMENT) and Section 3-3-64 (PUBLIC
7 NOTICE) of Division 2 (COMPETITIVE NEGOTIATION) of Article D (CONTRACT
8 FORMATION AND SOURCE SELECTION) of Chapter 3 (PURCHASES AND
9 CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION AND
10 PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

11
12 THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

13
14 Section 1. That Section 3-3-36 of the Code of the City of Alexandria, Virginia,
15 1981, as amended, be, and the same hereby is, amended to read as follows:

16
17 Sec. 3-3-36 Notice of invitation to bid.

18
19 (a) Notice inviting bids shall be published once in at least one newspaper published
20 in or having a general circulation in the city a reasonable time prior to ~~and at least 10 days~~
21 ~~preceding~~ the last day set for the receipt of bids.

22
23 ~~(b) The newspaper notice required herein shall include a general description of the~~
24 ~~articles to be purchased or sold, shall state where bid blanks and specifications may be secured~~
25 ~~and the time and place for opening bids.~~

26
27 ~~(b)(e)~~ The purchasing agent shall also solicit sealed bids from all responsible
28 prospective suppliers who have requested their names to be added to a "bidders' list" which the
29 agent shall maintain by sending such other notice as will acquaint them with the proposed
30 purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited
31 to commodities that are similar in character and ordinarily handled by the trade group to which
32 the invitations are sent.

33
34 ~~(c)(d)~~ The agent may also advertise pending bids or sales by notice posted on the public
35 bulletin board in the division of purchasing.

36
37 Section 2. That Section 3-3-64 of the Code of the City of Alexandria, Virginia,
38 1981, as amended, be, and the same hereby is, amended to read as follows:

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40 Sec. 3-3-64 Public notice.

41
42 ~~A~~ ~~At least 10 days~~ reasonable time prior to the date set for receipt of proposals, public
43 notice shall be given by publication in a newspaper of general circulation in the area in which the
44 contract is to be performed. In addition, proposals may be solicited directly from potential
45 contractors.
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47 Section 3. That this ordinance shall become effective upon the date and at the time
48 of its final passage.

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WILLIAM D. EUILLE

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Mayor

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53 Introduction: 9/8/09

54 First Reading:

55 Publication:

56 Public Hearing:

57 Second Reading:

58 Final Passage:

ORDINANCE NO. 4623

AN ORDINANCE to amend Section 3-3-36 (NOTICE OF INVITATION TO BID) of Division 1 (COMPETITIVE SEALED BIDDING) of Article D (CONTRACT FORMATION AND SOURCE SELECTION) of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) and Section 3-3-64 (PUBLIC NOTICE) of Division 2 (COMPETITIVE NEGOTIATION) of Article D (CONTRACT FORMATION AND SOURCE SELECTION) of Chapter 3 (PURCHASES AND CONTRACTUAL SERVICES) of Title 3 (FINANCE, TAXATION AND PROCUREMENT) of the Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 3-3-36 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 3-3-36 Notice of invitation to bid.

(a) Notice inviting bids shall be published once in at least one newspaper published in or having a general circulation in the city a reasonable time prior to the last day set for the receipt of bids.

(b) The purchasing agent shall also solicit sealed bids from all responsible prospective suppliers who have requested their names to be added to a "bidders' list" which the agent shall maintain by sending such other notice as will acquaint them with the proposed purchase or sale. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

(c) The agent may also advertise pending bids or sales by notice posted on the public bulletin board in the division of purchasing.

Section 2. That Section 3-3-64 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Sec. 3-3-64 Public notice.

A reasonable time prior to the date set for receipt of proposals, public notice shall be given by publication in a newspaper of general circulation in the area in which the contract is to be performed. In addition, proposals may be solicited directly from potential contractors.

Section 3. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE
Mayor

Final Passage: September 12, 2009