

SUBJECT: Professional Services for Code Book Codification

REQUESTED BY: K. VanGorder, City Clerk

PREPARED BY: Deputy Clerk

DATE: September 20, 1999

FOR AGENDA OF: September 27, 1999

SUMMARY:

Pursuant to WMC 6.24.050(A)(1)(a)(6), I am requesting an exemption to the competitive bidding requirement and wish to enter into a professional services proposal with Book Publishing Company (BPC) for our code book codification service.

Due to the specialized nature of this service I feel an exemption to the bidding requirement is warranted due to the reasons outlined below:

- BPC has an excellent reputation and expertise in this highly technical field.
- BPC is familiar with Alaska Law, which will aid us to be in compliance in relation to our city ordinances.
- BPC provided an Ordinance Analysis and Report for this project last year. If the city utilizes another firm, another analysis would have to be prepared resulting in a duplication of work already performed, therefore the city would benefit financially by continuing to work with BPC.
- Most municipalities throughout Alaska utilize BPC for their codification needs due to their expertise in Alaska Statutes, including: City of Kenai, City of North Pole, City of Palmer, City of Petersburg, City of Seward, City of Thorne Bay, City of Valdez, Fairbanks North Star Borough and the Mat-Su Borough.

I have contacted other companies to discuss the scope of the project and conclude that BPC will best meet our needs at this time. Should code book codification services be competitively bid, the city will see a greater financial impact because an Ordinance Analysis and Report will have to be prepared by the new firm.

In conclusion, it is my opinion that it is the best interest of the city to continue to work with Book Publishing Company for code book codification services.

FISCAL IMPACT: __No xYes, amount requested: Up to \$12,500 in FY 2000
Fund: 01.51.411.334.00

CLERK'S RECOMMENDED ACTION: To authorize an exception to the competitive bidding requirements and authorize the city to enter into a contract with Book Publishing Company to provide codification services to the City of Wasilla.

Administration Initial: SP

Attachments: BPC Professional Services Proposal

Presented to council on 9/27/99
 Action taken: Approved Denied
 other _____
 Verified by YV

PROFESSIONAL SERVICES PROPOSAL

FOR THE CITY

OF

WASILLA, ALASKA

AUGUST 19, 1999



BOOK PUBLISHING COMPANY

201 Westlake Avenue North
Seattle, Washington 98109

800-537-7881

206-343-3038 (fax)

e-mail: sales@hpenet.com

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PROFESSIONAL SERVICES PROPOSAL

Book Publishing Company, hereinafter referred to as "BPC," hereby agrees to research, edit, codify and publish the ordinances of the City of Wasilla, Alaska, hereinafter referred to as "Municipality," according to the following terms and conditions:

PART I - SCOPE OF SERVICES

Second phase of the codification project to follow the completion of the Legal and Editorial Analysis (or Ordinance Analysis and Report). We will begin this phase with an editorial conference:

1. **EDITORIAL CONFERENCE.** BPC will schedule an editorial conference with the Municipal Attorney or authorized Municipal representatives to discuss:
 - 1.1. **Issues.** Issues will include all inconsistencies and conflicts set out in the analysis.
 - 1.2. **Solutions.** Specific suggestions will be offered for amendatory action to resolve the issues discussed.
 - 1.3. **Implementation.** The Municipal Attorney has ultimate decision-making authority for solutions and implementation.
 - 1.4. **Editorial procedures.** The editorial procedures for stylistic editing of the code manuscript, the indexing format, and various production issues will be reviewed.
 - 1.5. **Code structure.** The code's proposed structure will be reviewed and appropriate changes made.
 - 1.6. **Sample ordinance service.** BPC will provide sample ordinance language wherever possible to assist with the drafting of new and amendatory legislation.
 - 1.7. **Editorial cutoff date.** At the conclusion of the conference, a mutually agreed cutoff date will be established. All new enactments received at BPC by this date will be included in the code. Ordinances received after this date may be held for the first supplement.
2. **CONFERENCE MEMORANDUM.** Immediately following the conference, BPC will send a conference memorandum to the Municipality, summarizing the decisions reached during the conference.
3. **EDITORIAL WORK.**
 - 3.1. Under the direction of BPC's attorneys, the editorial staff will prepare the code for publication by organizing the code materials as agreed during the conference. All amendments and new ordinances will be incorporated into their proper places and repealed provisions will be deleted from the code text.
 - 3.2. The code will be carefully edited for proper code style, grammar and punctuation, as well as for numerical and editorial consistency. Where necessary, the language of existing ordinances will be converted into concise, modern and proper language. **No** substantive changes will be made in the language of the code without the authorization of the Municipality.

4. **EDITORIAL FEATURES.** The code will contain the following features to make it easy to use:
- 4.1. **Expandable Numbering System.** If authorized by the Municipality, BPC will use a practical, expandable numbering system in the code. This numbering style makes it easy to locate information quickly and will accommodate new material without interrupting the integrity or sequence of the system.
 - 4.2. **Technical codes.** Technical codes which have been adopted by reference--e.g., building, plumbing, electrical, and similar technical codes--will be excluded from the Municipal code unless the Municipality's representative directs the Company to include such technical codes. Ordinances adopting such technical codes by reference shall be included and classified in appropriate sections of the Municipal code.
 - 4.3. **History Notes.** Each code section will include a notation showing the origin of the section, and any amendments made thereto.
 - 4.4. **Cross references and footnotes.** Cross references will be prepared to tie together related sections of the new code. Proper explanation will also be made in the form of footnotes to relevant provisions of the code.
 - 4.5. **Charter references.** Charter references will be prepared to tie together related sections of the Charter and new code.
 - 4.6. **Catchlines.** Each code section will begin with a "catchline" which summarizes the contents of that section.
 - 4.7. **Table of Contents.** The code will include a general Table of Contents listing the titles contained therein; each Title will contain a table showing the chapters it includes; each chapter will list the number and catchlines of the sections it includes.
 - 4.8. **Statutory Reference Table.** This lists state laws which pertain to, or affect, the Municipality's local code provisions.
 - 4.9. **Ordinance list.** Tables showing the disposition of each municipal ordinance will be prepared and included in the code volume. Repealed and omitted special ordinances will be so noted.
 - 4.10. **Prior Code Cross Reference Table.** If BPC reorganizes material from the Municipality's previous code, BPC will include a table of prior code sections and their location in the new code. (These are sometimes referred to as Comparative Tables.)
 - 4.11. **Editorial omissions.** Only the substantive provisions of each ordinance will be codified. Provisions such as the title, ordaining clause and attestation clause of each ordinance will be omitted to the extent permitted by law.
5. **INDEX.** BPC's experienced legal indexers will prepare a general alphabetical subject index, referencing each section of the code. The cross-reference style and format of the index will be set after consultation with the Municipality.

6. **PROOFREADING.** BPC will proofread the entire code for accuracy. BPC is responsible for the typographical correctness of the code. Any errors attributable to BPC will be corrected at no charge to the Municipality.

7. **PUBLICATION.**

7.1. **Stock.** The code will be printed on 50 lb. white offset paper. The Municipality may elect to have the code printed on one side of each sheet of paper, or on both sides. (Note: a page is one side of a sheet of paper.)

7.2. **Page format.** The page style will be consistent with the format chosen by the Municipality: 8½ x 11 inches, single or double column, (samples attached).

7.3. **Printing.** BPC will print the number of copies specified by the Municipality. Additional copies of the entire code, or portions thereof, may be ordered by the Municipality as they are needed.

7.4. **Special pages.** Maps, charts, diagrams or tables containing multiple columns require additional camera work or typesetting time. There is an additional charge for these pages as listed in Part III of this proposal. This rate also applies to special pages in supplements.

7.5. **Binders.** BPC will provide customized, heavy duty, expandable post binders in any quantity the Municipality needs. Binders are available in a selection of colors and will be imprinted on the cover and spine with an appropriate title. The Municipality may also add a seal, logo or other artwork to the binder covers. Other binder styles, including three-ring, are also available.

7.6. **Reprints.** Additional copies of individual code titles such as zoning and traffic are available at an extra cost. They may be ordered with printed paper covers or separate binders.

7.7. **Author's Corrections.** If a draft of the code is provided to the Municipality, any addition to, or alteration, reorganization or amendment of the draft is considered an author's correction, and may result in additional charges, as set out in Part III of this proposal. This does not include the correction of typographical errors or any other errors attributable to BPC.

8. **PRODUCTION SCHEDULE.**

Preparation of Ordinance Analysis and Report	3 months
Municipality Review and Editorial Conference.....	1 month
Municipality amendatory action	2 months
Manuscript preparation	4 months
Indexing, printing and binding.....	2 months
Total of publisher's time.....	9 months

9. **COMPUTERIZED COPY OF CODE.** If desired, BPC can provide the Municipality with a copy of the code on computer diskette for convenient, on-line access. Please see Part II, Optional Services.

10. **ADOPTION ORDINANCE.** Along with the completed codebooks, BPC will provide a sample ordinance with suggested language for the adoption of the new code.
11. **SALE OF CODES.** The Municipality has exclusive rights to sell copies of the completed codes and looseleaf supplements.
12. **SAMPLE ORDINANCE SERVICE.** For BPC customers No Charge
13. **SUPPLEMENT SERVICES.** BPC will provide ongoing updates for the Municipality, on a regular schedule, as directed by the Municipality. Ordinances will be forwarded to BPC as they are adopted. Prior to beginning a regularly scheduled supplement, BPC will contact the Municipality to confirm that BPC has received all the necessary ordinances. BPC's editors will prepare each supplement by completing the following steps:
 - 13.1. **Editing.** BPC will organize the new ordinances by subject and will insert all amendments into their proper places in the code text. Provisions that have been repealed will be deleted from the code text. Any conflicts, inconsistencies, duplications or discrepancies created by the new material will be brought to the attention of the Municipality.
 - 13.2. **Update Related Parts.** All history notes, tables, cross-references and index entries will be updated to reflect the new material.
 - 13.3. **Publish Supplement Pages.** The revised pages will be retypeset to match the style and format of the code. The supplement will be printed in the quantity specified by the Municipality.
 - 13.4. **Insertion Guide.** Each supplement will include a page with instructions for inserting the new pages and removing obsolete ones.
 - 13.5. **Special Pages.** Maps, charts, diagrams and tables with multiple columns require extra typesetting or camera work. There is an extra charge for these pages, as listed in Part III of this proposal.
 - 13.6. **Updating Computerized Copy.** If requested, BPC will provide updated copies of the code on diskette, along with each printed supplement. Please see Part II, Optional Services for descriptions of computer format options.
 - 13.7. **Frequency.** The Municipality may choose to supplement the code quarterly, semi-annually, annually, or on an "as-needed" basis. The Municipality may change the supplement interval at any time. Frequency of supplementation does not affect the supplement rate.
 - 13.8. **Cost.** The cost for Supplementation services provided shall be at the standard rate being charged for those services by BPC at the time such services are rendered.
 - 13.9. **Termination.** The Municipality may terminate the supplement service by canceling in writing at least 60 days prior to the editorial cut off date for any regularly scheduled supplement.

PART II - OPTIONAL SERVICES

14. **COMPUTERIZED COPY OF CODE.** The Municipality may order a copy of the code on diskette(s) or CD-ROM provided in the Municipality's choice of Rich Text Files (RTF) compatible with most word processing programs such as MS Word or WordPerfect for Windows, ASCII text or WordPerfect 5.1 (DOS). Please indicate the desired format in Part III, Prices and Payment Terms.
15. **INTERNET OPTIONS.** BPC provides options for Internet Access for your Municipal Code.
 - 15.1. **BPC WebSite.** On the BPC WebSite, the code can be accessed at our Internet address and linked to the Municipality's homepage. Each time the printed code is supplemented, BPC will update the Internet copy. The cost is based on a one-time set-up fee, an annual storage fee, and the cost to format the code. Supplement formatting costs are additional. For costs, please see Part III, Prices and Payment Terms. BPC's WebSite uses standard HTML files, arranged in a document tree with hypertext Tables of Contents. Each section is contained in a separate HTML file. These files can also be used on your Local Area Network using any standard web browser (the file server must support long filenames).
 - 15.2. **Municipality's Website.** If the Municipality prefers to post the code on its website, BPC can provide the code in HTML files for use with any standard web browser (not including a search engine.) Additional formatting will be necessary, depending on the search engine or web browser. HTML files can also be used on a Local Area Network. When the code is supplemented, BPC can provide HTML files to update the Internet copy. Please see Part III, Prices and Payment Terms.

PART III - PRICES AND PAYMENT TERMS

CODIFICATION SERVICES

- 16. Double-column page style, initial 470 pages \$9,400.00*
 Additional pages, if any, per page \$20.00
- 17. Partial pages will be charged as full pages. There is no charge for blank pages.
- 18. Extra charge for special pages (tables, maps, diagrams and charts), per page..... \$15.00
- 19. These rates include fifty (50) printed copies of the code. (Additional copies may be ordered for a nominal fee.)
- 20. Customized Tabbed Dividers. For each title of the code (50 sets)\$430.00
- 21. Author's Corrections.\$45.00 per hour
- 22. Shipping will be prepaid by BPC and invoiced to the Municipality upon delivery.
- 23. If a sales tax is applicable to this work, the amount of such tax will be added to the costs quoted in this contract.
- 24. **PAYMENT SCHEDULE.**

Upon signing of this contract\$1,000.00
 Upon delivery of the completed code books to the Municipality:Balance

Balances which remain unpaid more than 60 days after delivery of the codebooks are subject to a late charge of 1% per month.

*A credit of \$2,500.00 for the Ordinance Analysis and Report previously delivered has been deducted from the base cost.

OPTIONAL SERVICES

- 25. Copy of Code on Diskette. No Charge
- Additional charge for a copy of code on CD-ROM. \$50.00

Please indicate the format desired:

- | | | | |
|--------------------------|-------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | PLAIN TEXT | <input type="checkbox"/> | WordPerfect 5.1 (DOS) |
| <input type="checkbox"/> | RTF* (Rich Text Format) | <input type="checkbox"/> | Diskettes not desired at this time |

* This format can be opened with most Windows word processing software such as MS Word or WordPerfect for Windows. If you are using Windows-based word processing software, we recommend RTF format.

26. Electronic supplements on diskette, CD-ROM or Internet.....\$1.50 per page

27. **INTERNET SERVICES.** (Select one option if Internet Services are desired.)

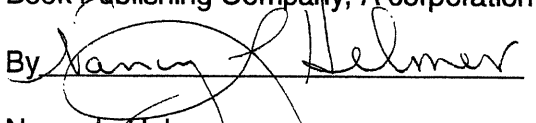
BPC WebSite Access
HTML formatting..... \$1.50 per pageⁱ
One-time set-up fee..... \$100.00
Annual Storage and Maintenance Fee\$500.00

Municipality's WebSite Access
HTML formatting\$1.50 per page¹

¹This charge is only applicable if Internet is the sole electronic version purchased.

PART IV - RECITATIONS AND SIGNATURES

- 28. **PERSONNEL.** Only experienced and qualified personnel will be employed in all editorial and codification work. BPC's Customer Relations Representative will consult the Municipality when necessary and will keep the Municipality informed of the progress of all codification work.
- 29. **WARRANTY.** BPC warrants only that the code will contain all of the currently effective ordinances provided to BPC by the Municipality as revised and amended according to instructions from the Municipality's Representative.
- 30. **ASSIGNATION, INTEGRATION AND MODIFICATION.** When executed by both BPC and the Municipality, this agreement constitutes the entire agreement between the parties. There are no other agreements or representations not set forth in this agreement. This agreement incorporates all prior negotiations, agreements and representations. This agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns. This agreement may not be modified except in writing, signed by BPC and the Municipality.
- 31. **LAWS OF WASHINGTON TO GOVERN.** This agreement shall be governed by and construed in accordance with the laws of the State of Washington.
- 32. **TIME FOR COMPLETION.** Time is of the essence. It is the intention of the company, with the cooperation of the Municipality, to deliver the completed codes to the Municipality within one year of the receipt of codification material from the Municipality. Should delivery be delayed because of the Municipality's delay in performing its duties according to this contract, the Company shall have the right to increase the final cost of the code to compensate for any increase in labor, materials or overhead costs. Due to unanticipated changes in airline, accommodation and car rental costs, software training prices are subject to change.
- 33. **WAIVER.** The waiver by any party of a breach of any provision of this agreement or the failure by any party to claim a breach of any provision of this agreement shall not constitute a waiver of any subsequent breach, or change the effect of or make that provision thereafter unenforceable in any way.
- 34. **DURATION OF QUOTATION/SIGNATURES.** This quotation and agreement constitutes a bid by Book Publishing Company, a Washington corporation, for the performance of the codification services described herein. If this quotation and agreement is executed by the Municipality within 90 days of the date hereof, it shall be a binding contract between BPC and the Municipality.

Submitted August 19, 1999, by
Book Publishing Company, A corporation
By 
Nancy L. Helmer
Vice President & General Manager

Accepted by the Municipality of Wasilla,
Alaska
By

Title

Date

PART V – SAMPLE PAGES

Chapter 17.24

ADMINISTRATION

Sections:

- 17.24.010** Certificates and occupancy permits.
- 17.24.020** Duties of the building inspector.
- 17.24.030** Plan commission.
- 17.24.040** Zoning board of appeals.
- 17.24.050** Appeals.
- 17.24.060** Variations.
- 17.24.070** Amendments.
- 17.24.080** Special uses.
- 17.24.090** Fees and costs—Deposits.
- 17.24.100** Violation, penalty, enforcement.
- 17.24.110** When effective.
- 17.24.120** Posting notice of public hearing on subject property.

17.24.010 Certificates and occupancy permits.

A. Zoning Certificates. No permit pertaining to the use of land or buildings shall be issued unless the building inspector has certified, after examination, that it complies with all provisions of this title.

B. Occupancy Permits. No land shall be occupied or used and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the building inspector stating that the building complies with all the building and health laws and ordinances and with the provisions of this title.

C. Permit for Change of Use. No change of use shall be made in any building or part thereof now or hereafter erected or altered without a permit having been issued by the building inspector, and no permit shall be issued to make such change unless it is in conformity with the provisions of this title and amendments thereto.

D. Continuance of Present Occupancy. Nothing in this section shall prevent the continuance of the present occupancy or use of any existing building,

except as may be necessary for the safety of life and property. Certificate for occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within thirty days after the erection or alteration of such building has been satisfactorily completed. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building affected. (Ord. 64-1 § VII(A))

17.24.020 Duties of the building inspector.

The building inspector of the village, or other officials that have been or shall be duly appointed by the village board, shall enforce this title, and, in addition thereto, and in furtherance of said authority, shall:

A. Issue all certificates of occupancy and make and maintain records thereof;

B. Conduct inspections of buildings, structures and uses of land to determine compliance with the terms of this title;

C. Maintain permanent and current records to the ordinance codified in this title, including, but not limited to, all maps, amendments, special uses, variations, appeals and applications therefor;

D. Provide such clerical and technical assistance as may be required by the zoning board of appeals in the exercise of its duties. (Ord. 64-1 § VII(B))

17.24.030 Plan commission.

The plan commission is the plan commission of the village.

A. Jurisdiction. The plan commission shall have the following duties under this title:

1. To receive from the village clerk copies of all application for amendments or special uses which have been introduced into the village board, and submit reports to the zoning board of appeals and the village board setting forth its findings and recommendations in the manner prescribed in this section for amendments and special uses;

2. To initiate, direct and review from time to time studies of the provisions of this title, and to

make reports of its recommendations to the village board not less frequently than once each year;

3. To hear and decide all matters upon which it is required to pass under this title. (Ord. 64-1 VII(C))

17.24.040 Zoning board of appeals.

A. Creation and Procedure.

1. There is established a zoning board of appeals for the village. The board shall consist of seven members to serve respectively for the following terms: one for one year; one for two years; one for three years; one for four years; one for five years; one for six years; and one for seven years. The successor to each member so appointed to serve for a term of five years;

2. All appointments to the zoning board of appeals shall be made by the village board. One of the members so appointed shall be named as chairman at the time of appointment. Vacancies shall be filled as soon as possible for the unexpired term of any member whose place has become vacant. In the event that the office of chairman is vacated for any reason, the village board shall immediately appoint, at its option, either one of the remaining members on the zoning board of appeals, or a member who is appointed to fill such vacancy on the board as the new chairman;

3. All meetings of the zoning board of appeals shall be held at the call of the chairman, and at such other times as the board may determine. All testimony by witnesses at any hearing provided for in this title shall be given under oath. The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or, if absent or failing to vote, indicating the fact, and shall also keep records of its examinations and other official actions. Every rule, regulation, amendment or repeal thereof, and every order, requirement, decision or determination of the board shall immediately be filed in the office of the village clerk, and shall be of public record;

4. The zoning board of appeals is designated as the proper commission or committee to post or publish notices as required by statute and this title pertaining to special uses and proposed amendments to the regulations imposed and the districts created by this title, and to make a written report and recommendation to the village board on any such proposed amendments or special uses.

B. Jurisdiction and Authority. The zoning board of appeals is invested with the following jurisdiction and authority:

1. To hear and decide appeals from any order, requirements, decision or determination made by the building inspector under this title;

2. To hear and decide variations from the terms provided in this title in the manner and subject to the standards set forth in this section;

3. To hold public meetings in matters pertaining to applications for special uses and amendments, and submit reports to the village board setting forth its findings and recommendations in the manner prescribed in this section for special uses and amendments;

4. To hear and decide all matters referred to it, or upon which it is required to pass under this title. (Ord. 64-1 § VII(D))

17.24.050 Appeals.

A. Authority. The zoning board of appeals shall hear and decide appeals from an administrative order, requirement, decision or determination made by the building inspector or other authorized officials of the village relating to regulations of this title.

B. Initiation. An appeal may be taken to the zoning board of appeals by any person, firm or corporation, or by any office, department, board, bureau or commission aggrieved by an administrative order, requirement, decision or determination under this title by the building inspector or other authorized official of the village.

C. Processing. An appeal in triplicate with the required fee shall be filed with the village clerk. The village clerk shall forward such appeal to the zoning board of appeals for processing in accordance with