

**CITY OF WASILLA
ORDINANCE SERIAL NO. 00-10**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC 6.24.185, LOCAL PREFERENCE FOR PURCHASES AND CONTRACTS, AND REPEALING WMC 6.24.190-.220 LOCAL EMPLOYMENT PREFERENCE.

Whereas, it is in the public interest to foster and improve the economy of the City of Wasilla by allowing a local bidder preference in City purchasing and contracting.

BE IT ORDAINED:

Section 1. Classification. This ordinance is of a general and permanent nature, and shall become part of the Wasilla Municipal Code.

Section 2. Adoption of section. WMC 6.24.185, Local Preference for Purchases and Contracts, is hereby adopted to read as follows:

6.24.185 LOCAL PREFERENCE FOR PURCHASES AND CONTRACTS.

(A) The City may grant a preference in excess of the lowest bid or offer to sell received by the City in the amount of two percent of the lowest bid or offer to sell to local suppliers or bidders, when funds are available and local preference is not prohibited by the funding source.

(B) If local preference is applicable, it shall be so specified in the solicitation to purchase or invitation to bid.

(C) For the purposes of this section, "local supplier or bidder" is defined as a person or entity who:

- (1) Holds a current Alaska business license,**
- (2) Holds valid City of Wasilla and Matanuska-Susitna Borough business licenses, if required to do so,**
- (3) Submits the bid or offer to sell under the name which appears on the State, City and Borough business licenses, and**
- (4) Has maintained a place of business within the City of Wasilla staffed by the bidder or an employee of the bidder for a period of at least six months immediately preceding the date of the bid or offer.**

Section 3. Repeal of sections. Section 6.24.190-220 of the Wasilla Municipal Code is here by repealed in its entirety:

[6.24.190 CONTRACTS-EMPLOYMENT PREFERENCES. IN GENERAL, OTHER FACTORS BEING EQUAL, CONTRACTORS SHALL GIVE PREFERENCE TO EMPLOYMENT OF CITY RESIDENTS.

6.24.200 EMPLOYMENT UNDER CONTRACTS INVOLVING FEDERAL AID FUNDS. IN A CONTRACT INVOLVING FEDERAL AID FUNDS SECTION 6.24.190 MAY NOT BE ENFORCED IN A MANNER THAT CONFLICTS WITH FEDERAL STATUTES GIVING PREFERENCE TO VETERANS AND PROHIBITING DISCRIMINATION AMONG UNITED STATES CITIZENS.

6.24.210 PRODUCER AND DEALER PREFERENCE. IN MAKING PURCHASES OR AWARDING CONTRACTS FOR GOODS, SERVICES, OR CONSTRUCTION, PREFERENCE MAY BE GIVEN WHENEVER PRACTICABLE TO PRODUCERS, CONTRACTORS AND DEALERS IN THE CITY, PRICE AND QUALITY BEING EQUAL.

6.24.220 PREFERENCE FOR CITY PRODUCTS. IN GENERAL, PURCHASE PREFERENCE SHALL BE GIVEN PRODUCTS OF THE CITY, PRICE AND QUALITY BEING EQUAL.]

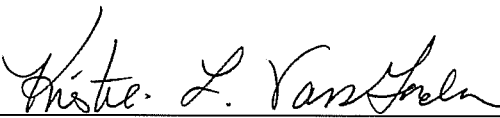
Section 4. Effective Date. This ordinance shall take effect upon adoption by the Wasilla City Council, but may be applied only to those contracts and purchases where the initial solicitation or invitation to bid took place after the effective date of this ordinance.

Adopted by the Wasilla City Council on January 24, 2000.



JUDY P. PATRICK, Deputy Mayor

ATTEST:



KRISTIE VANGORDER, CMC/AE
City Clerk

[SEAL]

SUBJECT: Local Bidders Preference

PREPARED BY: Administration

DATE: January 4, 2000

FOR AGENDA OF: January 10, 2000

SUMMARY:

Administration has been asked by various businesspersons in the area to propose a local bidders preference ordinance for council consideration.

The Municipality of Anchorage has a similar ordinance on it's books, and attorney Ken Jacobus is confident their ordinance is constitutional and holds up in court under challenges, but reminds us that, as with absolutely every other law a city adopts, there is no guarantee that these ordinances will always withstand constitutional challenges.

There are pros and cons to allowing a preference to be given to local businesses. The two-percent preference (which is equivalent to the sales tax) would seem to not infringe on the desire for a free market in our surrounding area, but would accomplish a goal of allowing local bidders to have a small advantage.

Council consideration should be given to point #4 in this proposed ordinance concerning what constitutes "local". Does council consider the city limits as "local", or the greater Wasilla area, or the entire Mat-Su Borough?

This is entirely a public policy matter which is appropriately discussed and considered by the city's policy makers, the Wasilla City Council.

FISCAL IMPACT: No Yes, amount requested: \$ _____ Fund: _____

RECOMMENDED ACTION: Council consideration.



Reviewed by: SARAH PALIN, Mayor

Presented with: Ord 00-10
Date: 1/24/2000 Verified by: BY