KENAI PENINSULA BOROUGH
ORDINANCE 96-07

AN ORDINANCE AMENDING KPB 5.28.320 TO CLARIFY THE PROVISIONS OF THE BOROUGH PURCHASING CODE DEALING WITH APPEALS TO THE ASSEMBLY OF PURCHASING DECISIONS

WHEREAS, some confusion exists over the role of the assembly in considering appeals of purchasing decisions over which parties can appeal; and

WHEREAS, some confusion exists over which subcontractor of bidding process may appeal purchasing decisions; and

WHEREAS, specifying the time in which to take the appeal and the assembly's role in review can correct this confusion;

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

SECTION 1. That the KPC Section 5.28.320 is hereby amended to read as follows:

5.28.320 Appeal.
Any party bidding or submitting a proposal for a contract with the borough [PERSON] adversely affected by the provisions of this chapter, or regulations promulgated hereunder, or by any acts of the borough in connection with the award of the borough contract may appeal in writing to the mayor. [;OR IF THE MATTER IS NOT RESOLVED SATISFACTORILY, MAY APPEAL TO THE BOROUGH ASSEMBLY.] The mayor's decision may be appealed to the assembly by requesting the mayor to forward the written appeal and the mayor's response to the assembly. The request to appeal to the assembly must be submitted in writing or by facsimile copy of a writing within three (3) working days of the mayor's decision. Appeals to the assembly will be heard either at the earlier of 1) the next assembly meeting or 2) the meeting at which the assembly will consider award of the contract if the matter has been submitted to the assembly for action by the mayor. The assembly may affirm the mayor's action, remand the matter back to the mayor or schedule a further hearing.
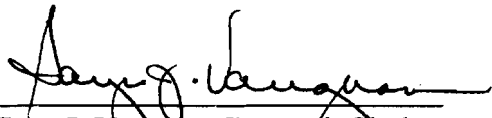
SECTION 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2nd DAY OF APRIL, 1996.

Andrew P. Scalzi, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk