

CITY OF PALMER, ALASKA

ORDINANCE NO. 604

AN ORDINANCE AMENDING SECTION 3. 20. 140 (JOINT PURCHASING), AND
ADDING SECTION 3. 20. 150 (MISREPRESENTATION AND FRAUDULENT CLAIMS) OF
CHAPTER 3. 20 (PURCHASING), OF TITLE 3 (REVENUE AND FINANCE), OF THE
PALMER MUNICIPAL CODE

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions of this ordinance, or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Section 3.20.140 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

- A. The city manager, upon approval of the city council, may join with other units of government in cooperative purchasing ventures for the purchase of personal property to include bid extension, where the best interest of the city would be served thereby, provided such other unit of government uses competitive bidding on the item purchased. The property to be purchased must be budgeted and substantially meet or exceed the city requirements for a similar item.
- B. The city manager, upon approval of the city council, may join with other units of government in the cooperative purchasing of professional services (for the purpose of this section "professional services" shall include insurance) and products, where the best interest of the city is served. The professional service or product must be budgeted and substantially meet or exceed the city requirements for a similar service or product.
- C. The city manager, upon approval of the city council, may purchase personal or real property from other governmental agencies, without competition, provided the manager presents to the council a writing describing the transaction, including a description of the property and its price.
- D. The other units of government may be outside of Alaska, to include other municipalities, states, and the federal government. If for a federal government purchase the point of purchase or contract is outside of Alaska or if the unit of non-federal government is outside of Alaska, then the bidder must agree (1) to have venue in Palmer, Alaska, for any dispute arising out of or related to the purchase or to the

good or service provided, (2) to have the laws of the State of Alaska apply to all disputes arising out of or related to the purchase or to the good or service provided, and (3) to have the laws of no state other than the State of Alaska apply to all disputes arising out of or related to the purchase or to the good or service provided. If the goods are reasonably expected to require service over their lifetime, the bidder must certify that there is a service center for the goods within 50 miles of Palmer; provided that this requirement may be omitted by the city manager for good cause in writing. In addition, the bidder must agree to ship the goods FOB Palmer, Alaska, at the best shipping rate available providing for a reasonable delivery time, which shipping rate and time must be pre-approved by the city manager. The bidder must agree that the city will bear only that portion of the shipping costs FOB Palmer that exceed the shipping costs to the point of delivery under the contract with the other unit of government.

Section 4. Section 3.20.150 is hereby adopted to read as follows:

3.20.150 Misrepresentations and fraudulent claims.

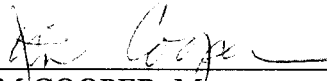
- A. A person who makes or uses in support of a contract claim under this chapter, a misrepresentation, or who practices or attempts to practice a fraud, at any stage of proceedings relating to a procurement or contract controversy under this chapter
1. forfeits all claims relating to that procurement or contract; and
 2. is liable to the city for reimbursement of all sums paid on the claim, for all costs attributable to review of the claim, and for a civil penalty equal to the amount by which the claim is misrepresented.
- B. The city manager, hearing officer, or court shall make specific findings of misrepresentation, attempted fraud, or fraud before declaring a forfeiture under A. 1. of this section.
- C. Suits to recover costs and penalties under A. 2. of this section must be commenced within six years after the discovery of the misrepresentation, fraud, or attempted fraud.
- D. In this section, "misrepresentation" means a false or misleading statement of material fact, or conduct intended to deceive or mislead concerning material fact, whether it succeeds in deceiving or misleading.

Section 5. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

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First Reading: April 8, 2003
Public Hearing & Second Reading: April 22, 2003

Adopted by the City Council of the City of Palmer, Alaska, this 22nd day of April, 2003.



JIM COOPER, Mayor



THOMAS HEALY
City Clerk