

I move to amend Ordinance Serial No. 20-009 on page 2 of the ordinance (page 57 of the packet) to delete the second sentence of the proposed MSB 3.08.225(B) to read:

(B) Except as authorized by MSB 3.08.280 and 3.08.290, all procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. ~~In order to ensure objective contractor/consultant performance and eliminate unfair competitive advantage, contractors or consultants that materially contribute to work in advance of the solicitation, including but not limited to developing or drafting specifications, feasibility studies, preliminary or conceptual design documents, project requirements, investigations, statements of work, invitations for bids or requests for proposals are excluded from competing for such procurements.~~ Procurements must be conducted in a manner that avoids unduly restrictive requirements. Some of the situations considered to be restrictive of competition include but are not limited to:

- (1) Placing unreasonable requirements on firms in order for them to qualify to do business;
 - (2) Requiring unnecessary experience and excessive bonding;
 - (3) Noncompetitive pricing practices between firms or between affiliated companies;
 - (4) Organizational conflicts of interest;
 - (5) Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement.;
- and**

The reason for the amendment is that I am concerned about stifling competition too far and it actually having the opposite effect and driving up process. If a contractor or consultant helps the Matanuska-Susitna Borough while the Borough is developing a proposal or if a contractor does preliminary work on something that later becomes a proposal, that should not disqualify them from bidding.