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**AN ORDINANCE AMENDING SECTION 2-356 OF THE BRANSON MUNICIPAL CODE PERTAINING TO THE DETERMINATION OF LOWEST AND BEST RESPONSIBLE BIDDER.**

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**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BRANSON, MISSOURI, AS FOLLOWS:**

Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Branson Municipal Code, and the sections of this ordinance may be renumbered to accomplish such intention.

Section 2: That Chapter 2. – *Administration*, Article V. – *Finances*, Division 3. – *Purchasing and Procurement*, Section 2-356. – *Determination of lowest and best responsible bidder* of the Branson Municipal Code is hereby repealed in its entirety and a new section is enacted in its place to read as follows:

**CHAPTER 2. – ADMINISTRATION  
ARTICLE V. – FINANCES  
DIVISION 3. – PURCHASING AND PROCUREMENT**

**Sec. 2-356 – Determination of lowest and best responsible bidder.**

**(a)** The city reserves the right to reject any or all bids. Bids may be awarded to the lowest and best responsible bidder. Bids shall not be accepted from, nor contract awarded to, a contractor who is in default on the payment of taxes, licenses or other monies due the city. In determining the lowest and best responsible bidder, in addition to price, the following shall be considered:

- (1) The ability, capacity and skill of the bidder to perform the contract or provide the service required.
- (2) Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.
- (4) The quality performance of previous contracts or services.
- (5) The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
- (6) The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

- 36 (7) The quality, availability and adaptability of the supplies, or contractual services, to the  
37 particular use required.
- 38 (8) The ability of the bidder to provide future maintenance and service for the use of the subject  
39 of the contract.
- 40 (9) The number and scope of conditions attached to the bid.

41 **(b) When bids received pursuant to this division are unreasonable or unacceptable as to**  
42 **terms and conditions, noncompetitive, or the low bid exceeds available funds and it is**  
43 **determined in writing by the city administrator that time or other circumstances will not**  
44 **permit the delay required to resolicit competitive bids, a contract may be negotiated**  
45 **pursuant to this division, provided that each responsible bidder who submitted such bid**  
46 **under the original solicitation is notified of the determination and is given a reasonable**  
47 **opportunity to modify their bid and submit a best and final bid to the city. In cases where**  
48 **the bids received are noncompetitive or the low bid exceeds available funds, the**  
49 **negotiated price shall be lower than the lowest rejected bid of any responsible bidder**  
50 **under the original solicitation.**

51 NOTE: LANGUAGE WHICH IS **BOLD, UNDERLINED** HAS BEEN ADDED; LANGUAGE  
52 WHICH IS [BRACKETED, STRICKEN] HAS BEEN REMOVED.

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54 Section 3: This ordinance shall be in full force and effect from and after its passage by the  
55 Board of Aldermen and approval by the Mayor

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57 Read, this first time on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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59 Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson,  
60 Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
Larry D. Milton  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Hillary Briand  
City Clerk

/s/ Bridget M. Findley #72572 02/22/2023  
Interim City Attorney