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2 **AN ORDINANCE AMENDING SECTION 2-353 OF THE BRANSON MUNICIPAL CODE**
3 **PERTAINING TO COMPETITIVE BIDDING REQUIRED; EXCEPTIONS.**
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6 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE**
7 **CITY OF BRANSON, MISSOURI, AS FOLLOWS:**
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9 Section 1: It is the intention of the Board of Aldermen, and it is hereby ordained that the
10 provisions of this ordinance shall become and be made a part of the Branson
11 Municipal Code, and the sections of this ordinance may be renumbered to
12 accomplish such intention.
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14 Section 2: That Chapter 2 – *Administration*; Article V. – *Finances*; Division 3. – *Purchasing*
15 *and Procurement*; Sec. 2-353. – *Competitive bidding required; exceptions* of the
16 Branson Municipal Code is hereby amended to read as follows:
17

18 **CHAPTER 2 – ADMINISTRATION**
19 **ARTICLE V. – FINANCES**
20 **DIVISION 3. – PURCHASING AND PROCUREMENT**
21

22 **Sec. 2-353. - Competitive bidding required; exceptions.**
23

24 (a) Competitive bidding required. Except as set forth in this section, when the city negotiates
25 any purchase or other contract, there shall be provided ample opportunity for competitive
26 bidding in the following manner:
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- 28 (1) If the consideration is not more than \$5,000.00, the purchase shall be procured in the
29 most expedient manner with due regard for competitive prices and quality.
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31 (2) If the consideration is for more than \$5,000.00, but less than \$20,000.00, at least three
32 bids shall be solicited with a written confirmation from three prospective vendors. The
33 purchase shall be approved by the director.
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35 **If less than three bids are received, the director or designee shall determine if**
36 **responses are appropriate. Award shall be made notwithstanding the limited**
37 **number of bids and a memo shall be written and approved by the purchasing agent**
38 **documenting the determination and submitted as part of the bid file.**
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- 40 (3) All supplies and contractual services estimated to cost more than \$20,000.00 but less than
41 \$50,000.00 shall be purchased by a formal, written contract **with the exception of a**
42 **single item one time purchase** from the lowest and best responsible bidder, after
43 soliciting three written or electronic bids. The [~~contract~~] **purchase or contract** shall be
44 approved by the city administrator.
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46 **If less than three bids are received, the director or designee shall determine if**
47 **responses are appropriate. Award shall be made notwithstanding the limited**
48 **number of bids and a memo shall be written and approved by the purchasing agent**
49 **documenting the determination and submitted as part of the bid file.**
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- 51 (4) All supplies and contractual services estimated to cost \$50,000.00 or more shall be
52 purchased by formal, written contract from the lowest and best responsible bidder, after
53 due notice as defined by section 2-354, inviting proposals. Whenever possible, at least
54 three bids should be obtained from prospective qualified vendors. The board shall award
55 the contract or purchase.

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57 **If less than three bids are received, the director, designee or purchasing**
58 **agent shall determine if responses are appropriate. Award shall be made**
59 **notwithstanding the limited number of bids and a memo shall be written and**
60 **approved by the purchasing agenda documenting the determination and submitted**
61 **as part of the bid file. The purchasing agent shall initiate, if appropriate, corrective**
62 **action to increase competition in future solicitations for the same or similar items**
63 **and include a notation of such action in the records of the invitation for bids.**
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- 65 (5) Individual contracts, purchases, or sales, be they for goods, supplies, commodities, or
66 services, shall not be excluded from the requirement of competitive bidding described in
67 this section, except as set forth in subsection (b) of this section.

- 68
69 (6) Individual contracts or purchases shall not be subdivided for the purpose of evading the
70 requirement of competitive bidding.

71
72 **(7) Revenue contracts less than \$50,000 shall be approved by the city administrator and**
73 **\$50,000 or more shall be approved by the board.**
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- 75 (b) Exceptions. The following purchases shall be excluded from the requirement of competitive
76 bidding when funds for such purchases have been approved by the board in the annual
77 budget:

- 78
79 (1) Professional services. Services of individuals professionally licensed under the laws of
80 the state within the scope of practice of architecture, professional engineering,
81 accountant, attorney, registered land surveyor, licensed real estate salesperson, or other
82 professional services allowed per state statute.

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84 a. In the procurement of professional services, the city may encourage firms engaged in
85 the lawful practice of these professions to submit annual statements of qualifications
86 and performance data or may request such information as needed for a particular
87 public project.

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89 b. The city is not required to use competitive bidding for the procurement of professional
90 services allowed per state statute.
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(2) Sole source vendor. When the goods or services are not available except from a vendor who is the exclusive marketer of the good or service. This shall be approved by the purchasing agent and retained in the bid file.

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

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

Section 4: That should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

Section 5: That the City Clerk is authorized by this Ordinance to correct any scrivener’s errors identified within this Ordinance.

Read, this first time on this _____ day of _____, 20__.

Read, this second time, passed, and truly agreed to by the Board of Aldermen of City of Branson, Missouri this _____ day of _____, 20__.

Larry D. Milton
Mayor

ATTEST:

Hillary Briand
City Clerk

APPROVED AS TO FORM:



City Attorney