

**AN ORDINANCE AMENDING SECTION 2-353 OF THE BRANSON MUNICIPAL CODE  
PERTAINING TO COMPETITIVE BIDDING REQUIRED; EXCEPTIONS.**

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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*; Sec. 2-353. – *Competitive bidding required; exceptions* of the Branson Municipal Code is hereby amended to read as follows:

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

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

(a) Competitive bidding required. Except as set forth in this section, when the city negotiates any purchase or other contract, there shall be provided ample opportunity for competitive bidding in the following manner:

- (1) If the consideration is not more than \$5,000.00, the purchase shall be procured in the most expedient manner with due regard for competitive prices and quality.
- (2) If the consideration is for more than \$5,000.00, but less than \$20,000.00, at least three bids shall be solicited with a written confirmation from three prospective vendors. The purchase shall be approved by the director.

**If less than three bids are received, the director or designee shall determine if responses are appropriate. Award shall be made notwithstanding the limited number of bids and a memo shall be written and approved by the purchasing agent documenting the determination and submitted as part of the bid file.**

- (3) All supplies and contractual services estimated to cost more than \$20,000.00 but less than \$50,000.00 shall be purchased by a formal, written contract **with the exception of a single item one time purchase** from the lowest and best responsible bidder, after soliciting three written or electronic bids. The ~~[contract]~~ **purchase or contract** shall be approved by the city administrator.

**If less than three bids are received, the director or designee shall determine if responses are appropriate. Award shall be made notwithstanding the limited number of bids and a memo shall be written and approved by the purchasing agent documenting the determination and submitted as part of the bid file.**

- (4) All supplies and contractual services estimated to cost \$50,000.00 or more shall be purchased by formal, written contract from the lowest and best responsible bidder, after due notice as defined by section 2-354, inviting proposals. Whenever possible, at least three bids should be obtained from prospective qualified vendors. The board shall award the contract or purchase.

**If less than three bids are received, the director, designee or purchasing agent shall determine if responses are appropriate. Award shall be made notwithstanding the limited number of bids and a memo shall be written and approved by the purchasing agenda documenting the determination and submitted as part of the bid file. The purchasing agent shall initiate, if appropriate, corrective action to increase competition in future solicitations for the same or similar items and include a notation of such action in the records of the invitation for bids.**

- (5) Individual contracts, purchases, or sales, be they for goods, supplies, commodities, or services, shall not be excluded from the requirement of competitive bidding described in this section, except as set forth in subsection (b) of this section.

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

**(7) Revenue contracts less than \$50,000 shall be approved by the city administrator and \$50,000 or more shall be approved by the board.**

- (b) Exceptions. The following purchases shall be excluded from the requirement of competitive bidding when funds for such purchases have been approved by the board in the annual budget:

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

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

b. The city is not required to use competitive bidding for the procurement of professional services allowed per state statute.

(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:

APPROVED AS TO FORM:

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

  
\_\_\_\_\_  
City Attorney