

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 135 FINANCE AND PURCHASING; SECTION 135.040 PURCHASING AND PROCUREMENT—COMPETITIVE BIDDING, SECTION 135.050 PURCHASING AND PROCUREMENT — COMPETITIVE PROPOSALS, SECTION 135.070 PURCHASING AND PROCUREMENT — COOPERATIVE PURCHASING/SOLE SOURCE PROCUREMENT/EMERGENCY PURCHASES.

BE IT ORDNANIED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH AS FOLLOWS TO WIT:

Section is 1: The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates with amendments as set forth below with new material set out in red and deleted material struck as follows:

Section 135.040 Purchasing and Procurement — Competitive Bidding.

D. Formal Bidding.

1. *Formal.* Purchases and contracts equal to or greater than twenty-five thousand and one dollars (\$25,001.00) shall be approved by the Board of Aldermen under the following guidelines: **[Ord. No. 21.34, 7-1-2021]**
 - a. *Bidding method.* Purchases and contracts shall be procured through formal competitive sealed bidding procedures unless it is determined, in writing, by the City Administrator or his/her designee that this method is not practical. Factors for this determination include:
 - (1) Specifications of the bid can be prepared to permit the award ~~on the basis of~~ **based on** either the lowest or the lowest evaluated bid price(s); and/or
 - f. *Non-responsive and unacceptable bids.*
 - (1) The ~~City~~ **Board of Aldermen** may reject any bid which is materially non-responsive to the requirements set forth in the formal bid specifications.
 - (2) The ~~City Administrator~~ **Board of Aldermen** may re-solicit bids if bids received ~~as a result of~~ **because of** ~~a solicitation for bids are not acceptable for any reason.~~ **failed to conform with the specifications or submittal requirements, or it is determined total cost or line items costs are materially unreasonable.** Such re-solicitation shall not be for the purpose of directing the award to particular bidder.

Section 135.050 Purchasing and Procurement — Competitive Proposals.

B. Conditions For Use.

1. *Request for Qualifications (RFQ).* RFQs may be used in lieu of competitive bidding procedures where it is necessary to demonstrate competence and qualifications for the type of services required. Price shall not be a factor in determining the best proposal. The City Administrator or his/her designee shall negotiate these contracts ~~on the basis of~~ **based on** predetermined criteria as outlined in Section 8.285 to 8.291, RSMo.

H. *Non-Responsive And Unacceptable Proposals.*

1. The ~~City~~ **Board of Aldermen** may reject any proposal which is materially non-responsive to the requirements set forth in the formal specifications.
2. The ~~City Administrator~~ **Board of Aldermen** may re-solicit proposals if proposals received ~~as a result of~~ **because of** a solicitation are not acceptable for any reason. Such re-solicitation shall not be for the purpose of directing the award to a particular proposer.

Section 135.070 **Purchasing and Procurement — Cooperative Purchasing/Sole Source Procurement/Emergency Purchases.**

- A. *Cooperative Purchasing.* It is the goal of the City to participate in the cooperative procurement program with the State of Missouri, the County of Camden and/or Miller, or other governmental body. In lieu of purchasing requirements set out in this Chapter, purchasing may be authorized based on bids received by another governmental entity, ~~provided that~~ **if** all of the following criteria are met:

1. The other governmental entity must have competitively bid the purchase using procedures which are substantially ~~similar to~~ **like** the procedures which would have been required by this Chapter had the City of Osage Beach bid the purchase itself.

C. *Emergency Purchases.*

C. *Emergency Purchases.* [Ord. No. 21.34, 7-1-2021]

1. *Defined.* An emergency is a disaster declared by the Mayor or when a breakdown in machinery or equipment or termination of essential services that may vitally affect the health, safety, or welfare of the employees or the public.
2. *Authority And Responsibilities.* The approval authority is set forth as follows:
 - a. City Administrator. Approval of emergency purchases equal to or less than fifty thousand dollars (\$50,000.00).
 - b. **The Mayor. Approval of emergency purchases greater than \$50,001.00 and less than seventy five thousand dollars. (\$75,000.00)**
 - c. Board of Aldermen. City Administrator or his/her designee shall obtain approval of emergency purchases equal to or greater than **fifty seventy five thousand** and one dollars ~~(\$50,001.00)~~ **(\$75,001.00)** at the next Board of Aldermen meeting, if time permits, or by means of a concentrated effort to poll the Board of Aldermen to obtain an agreement of the majority.
3. **Reporting. All emergency purchases shall be reported at the next Board of Alderman meeting and include the vendor's name, amount of purchase/contract and date of award. A description of the event creating the emergency and the vote tabulation reporting each alderman's vote and the method it was taken.**

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared

unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: January 18, 2024

READ SECOND TIME: February 1, 2024

I hereby certify that Ordinance No.24.02 was duly passed on February 1, 2024, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6 Nays: 0 Abstentions: 0 Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

Feb. 1, 2024
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.24.02.

Michael Harmison
Michael Harmison, Mayor

Feb. 1, 2024
Date

Tara Berreth
Tara Berreth, City Clerk