

**AN ORDINANCE AMENDING CHAPTER 135 PURCHASES BY ADDING SECTION 135.105
BID PROTEST INFORMATION TO THE MUNICIPAL CODE OF THE CITY OF WARSAW. BENTON
COUNTY, MISSOURI.**

WHEREAS, the City Council of the City of Warsaw deems it necessary and appropriate to add Section 135.105, Bid Protest;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WARSAW,
MISSOURI, AS FOLLOWS:

Section 1. Add Bid Protest Information as follows:

1. **Right to Protest.** Any actual or prospective bidder who is aggrieved in connection with the solicitation or award of a contract may protest to the City Administrator. The protest shall be submitted in writing within 48 (forty-eight) business hours after such aggrieved knows or should have known the facts giving rise thereto. The protest shall identify specific issues that are being protested and the facts that the protestor believes supports their claim (it is the protestor's responsibility to establish their case).
2. **Review of Protest.** The City Administrator shall have the authority to resolve a protest of an aggrieved bidder concerning the solicitation or award of a contract. This authority shall be exercised in accordance with the City's purchasing policy and subject to the approval of the Board of Aldermen.
3. **Decision.** The City Administrator shall issue the decision in writing within three (3) business days if receipt of the protest. The decision shall state the reasons for the action taken.
4. **Notice of Decision.** A copy of the decision under subsection (3) of this article shall be mailed or otherwise furnished to the protestor and any other party intervening.
5. **Appeal.** A protestor may appeal the decision by submitting a written appeal to the city Administrator within five (5) days of the date of the Board's decision under subsection (3) of this Article. The written appeal shall state the specificity the facts supporting the protestor's position. The appeal shall be reviewed by the City Administrator or his designee, and presented to the Board of Aldermen who will issue a decision in writing within five (5) business days of receipt of the protestor's timely filed written appeal.
6. **Finality of Decision.** A decision under Subsection (3) of this Article shall be considered final and is not subject to appeal or further consideration Article unless a timely appeal is filed under Subsection (5). In the event of a timely appeal under Subsection (5) the

decision of the Board of Aldermen shall be considered final and not subject to appeal or further consideration.

7. Stay of Procurement During Protests. In the event of a timely protest under Subsection (1) of this Article, the City of Warsaw shall not proceed further with the solicitation of the award of the contract until the City Administrator makes known the decision of the Board of Aldermen under Subsection (3) (or until the City Administrator, or his designee, makes known the decision on appeal pursuant to Subsection (5) of this Article). Or until the City Administrator, after consultation with the Board of Aldermen, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the City of Warsaw.
8. The procedure provided by this Article is intended solely as an attempt to provide bidders with the opportunity to communicate perceived issues to the City. It is not intended to create any legal right, cause of action, property interest or independent means of redress that does not otherwise exist under Missouri law. This Article shall not serve to abrogate or effect the City's exclusive right to determine the lowest and most responsible bidder in any particular bid situation.

Section 2. All Ordinances or parts of Ordinances in conflict herewith are hereby amended to conform to this Ordinance.

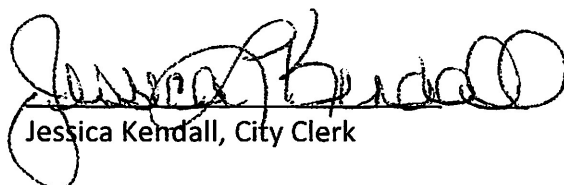
Section 3. That this ordinance shall be in full force and effect upon its' approval and passage.

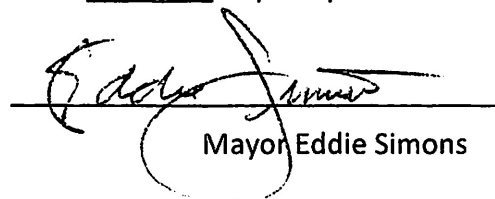
Aldermen Adam Howe	Aye <u>✓</u>	Nay _____
Alderwoman Reba Slavens	Aye <u>-ABSENT-</u>	Nay <u>_____</u>
Alderwoman Lou Breshears	Aye <u>✓</u>	Nay _____
Aldermen Eric Flores	Aye <u>✓</u>	Nay _____
Aldermen Rob Coskey	Aye <u>✓</u>	Nay _____
Aldermen Ward 2- Vacant		

READ THE FIRST TIME THIS 1st DAY OF APRIL 2024.

READ AND PASSED THIS 1st DAY OF APRIL 2024.

This ordinance is approved and passed this 1st day of April 2024.


Jessica Kendall, City Clerk


Mayor Eddie Simons