

## **ORDINANCE NUMBER 23-33**

An ordinance to amend Section 2-389 of the Beatrice City Code regarding irresponsible bidders; to repeal conflicting ordinances or parts of ordinances; and to provide for publication in electronic form and for an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

**SECTION 1.** That Section 2-389 of the Beatrice City Code be and is hereby amended to read as follows:

**“Sec. 2-389. Irresponsible bidder.**

(a) The city council shall have the authority to declare a vendor or contractor an irresponsible bidder and to disqualify them from receiving any business from the City or the Beatrice Board of Public Works, or any other entity owned or operated by the City, for a stated period of time, if said vendor:

- (1) Has defaulted on previous bids, quotes, contracts, or projects;
- (2) Has previous unresolved performance issues with the City;
- (3) Is involved in collusion with other bidders;
- (4) Has failed to timely complete previous projects or contracts with the City; or
- (5) Has delinquent debt(s) or bill(s) with the following, including but not limited to:
  - (A) the City of Beatrice;
  - (B) the Beatrice Board of Public Works;
  - (C) Midwest Area Refuse Service (“MARS”); or
  - (D) any other entity owned or operated by the City.

For purposes of this section, “delinquent” shall mean thirty (30) calendar days past due.

- (b) Such declaration shall be considered at a regularly scheduled meeting of the city council.
- (c) Any such designation shall require a majority vote of the elected members of the city council. The decision of the city council shall be final.”

**SECTION 2.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 20<sup>th</sup> day of November, 2023.

Attest:



Erin Saathoff, CMC, City Clerk



Robert Morgan, Mayor





## MEMORANDUM

**TO:** Mayor & City Council **DATE SUBMITTED:** November 15, 2023

**FROM:** Taylor Rivera **FOR AGENDA OF:** November 20, 2023  
City Attorney

**SUBJECT:** Amendment – Irresponsible Bidder **EXHIBIT(S):** Redline Ordinance

The proposed amendment adds clarity to Subsection 5 of this ordinance. Currently Subsection 5 states that a vendor can be declared an irresponsible bidder if they have “unpaid debts to the city.” The City owns and operates a number of different entities, including but not limited to the Board of Public Works and MARS. The proposed amendment adds that a vendor can be declared an irresponsible bidder if they have any delinquent debts or bills with the City or any other entities owned and operated by the City. The proposed amendment also clarifies that “delinquent” means thirty (30) calendar days past due.

**Sec. 2-389. Irresponsible bidder.**

- (a) The city council shall have the authority to declare a vendor or contractor an irresponsible bidder and to disqualify them from receiving any business from the ~~e~~City or the Beatrice Board of Public Works for a stated period of time, if said vendor:
- (1) Has defaulted on previous bids, quotes, contracts, or projects;
  - (2) Has previous unresolved performance issues with the ~~C~~city;
  - (3) Is involved in collusion with other bidders;
  - (4) Has failed to timely complete previous projects or contracts with the ~~C~~city; or
  - (5) Has ~~unpaid debts owed to the city~~delinquent debt(s) or bill(s) with the following, including but not limited to:
    - (A) the City of Beatrice;
    - (B) the Beatrice Board of Public Works;
    - (C) Midwest Area Refuse Service ("MARS"); or
    - (D) any other entity owned or operated by the City.For purposes of this section, "delinquent" shall mean thirty (30) calendar days past due.
- (b) Such declaration shall be considered ~~at a public hearing held~~ at a regularly scheduled meeting of the city council. ~~with the vendor or contractor being provided ten (10) days written notice of such hearing. Such notice may be sent via first class mail.~~
- (c) Any such designation shall require a majority vote of the elected members of the city council. The decision of the city council shall be final.