RESOLUTION NO. 2018-02

A RESOLUTION OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; REVISING RESOLUTION NO. 5-87; AMENDING THE UTILITIES COMMISSION'S PURCHASING POLICIES AND PROCEDURES MANUAL; CREATING A NEW SUBSECTION VII. E. IN THE REQUESTS FOR PROPOSALS (RFP) AND EVALUATION PROCEDURES; AUTHORIZING THE UTILITIES COMMISSION TO SIT AS THE EVALUATION COMMITTEE FOR THE THREE POSITIONS APPOINTED BY THE UTILITIES COMMISSON; AUTHORIZING THE UTILITIES COMMISSION TO PERMIT CERTAIN INDIVIDUAL COMMUNICATIONS FOR EVALUATING SUBMITTALS FOR THOSE POSITIONS; PROVIDING FOR RESCINDING CONFLICTING RESOLUTIONS OR PORTIONS THEREOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. FINDINGS AND INTENT. The Utilities Commission, City of New Smyrna Beach, Florida (the "Commission") makes the following findings and declares the following legislative intent:


(2) The Utilities Commission then adopted the Manual by Resolution 5-87 on June 10, 1987, as its Purchasing Policies and Procedures (hereafter the "Purchasing Rules."). Most current comprehensive review and formal approval of the Manual occurred during the Regular U.C. Meeting held on August 17, 2009, agenda item 2-d.

(3) The purpose of the Purchasing Policies and Procedures Manual is to enumerate and provide for the implementation of the policies of the Utilities Commission and to effect the centralization of the purchase of goods and services, other than the employment of personnel. These policies shall not be changed without further review and approval of the Utilities Commission.

(4) The procedures of the Purchasing Policies and Procedures Manual being of lesser importance, may be changed or modified as required by the Purchasing Authority.

(5) The Utilities Commission has considered and determined to modify the Manual and its Purchasing Rules as set forth in this Resolution.
SECTION 2. AMENDMENT TO SECTION VII, PURCHASING POLICIES AND PROCEDURES MANUAL. Section VII, entitled "Requests for Proposals (RFP) & Evaluation Procedures," is hereby amended to add a new subsection E to read as follows:

"E. UTILITIES COMMISSION PREROGATIVES.

For those positions appointed by the Utilities Commission, the Utilities Commission may determine by majority vote to sit as the Selection/Evaluation Committee under these rules and exercise all rights, duties, and obligations of the Selection/Evaluation Committee. The Utilities Commission may also determine by majority vote to dispense with any "cone of silence" requirement and may permit individuals to contain individual Commission members to discuss the proposal, subject to strict compliance with the Sunshine Law and other applicable portions of the Code of Ethics of Public Officers set forth in Chapter 112, Fla. Stat."

SECTION 3. SEVERABILITY. If any provision or portion of this Resolution is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT RESOLUTIONS. All resolutions and portions of resolutions in conflict herewith are hereby repealed, including but not limited to Resolution No. 5-87.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage by the Commission.

THIS RESOLUTION was introduced at a regular meeting of the Utilities Commission, City of New Smyrna Beach, Florida, held this 23rd day of March, 2018, by Commissioner Holcomb who moved for its adoption, which motion was seconded by Commissioner Griffith, and upon roll call vote of the Commission was DULY ADOPTED as follows:

CHAIRMAN

VICE CHAIRMAN

SECY.-TREAS.

ASST. SECY.-TREAS.

COMMISSIONER