RESOLUTION NO. 2020-04

A RESOLUTION OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA; AMENDING THE UTILITIES COMMISSION’S PURCHASING POLICIES AND PROCEDURES MANUAL; AMENDING SECTION I.G. BY ADDING AN EXCLUSION FROM THE BIDDING REQUIREMENTS; 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held on August 17, 2009, agenda item 2-d. U.C. Resolution No. 2018-02, approved on April 23, 2018, agenda item 5-d., repealed Resolution No. 5-87 and amended the Manual by creating a new subsection VII.E. And, U.C. Resolution No. 2019-04, approved on September 23, 2019, agenda item 7-a., amended the Manual revising sections IV., V., VI., and IX.

(3) To restate, 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) Upon passage, the Utilities Commission will have considered and determined to modify the Manual and its Purchasing Rules as set forth in this Resolution.

SECTION 2. AMENDMENT TO SECTION I.G. PURCHASING POLICIES AND PROCEDURES MANUAL. Section I entitled “MATERIALS MANAGEMENT DIVISION RESPONSIBILITIES AND FUNCTIONS”, is hereby amended as follows:
“G. EXCLUSIONS

The following requirements are excluded from the competitive requirements of the Purchasing Policies and Procedures Manual:

1. Agreements between the Utilities Commission and non-profit organizations or governmental entities, including the procurement, transfer, sale or exchange of goods and/or services.

2. Procurement of dues and memberships in trade or professional organizations; subscriptions for periodicals; advertisements; postage; paralegals, expert witnesses, and specialized legal services; abstracts of titles for real property; title insurance for real property; real property; court reporter services; water, sewer, and electric utility services; copyrighted materials; patented materials; art and artistic services; employment agreements; and fees and costs of job-related travel, seminars, tuition, registration and training.

3. Blanket purchase orders issued on an annual basis wherein the exact quantity of items or identification of specific items cannot be determined in advance.

4. Items purchased for resale to the general public.

5. Contracts awarded by any Local, State, or Federal governmental agency, cooperative purchasing organizations, or purchasing associations.

6. Contracts for services related to legal or financial compliance, notice, disclosure, repository or dissemination requirements.”

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.

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 23, 2020, by Commissioner Holcomb who moved for its adoption, which motion was seconded by Commissioner Conrad, and upon roll call vote of the Commission was DULY ADOPTED as follows:

CHAIRMAN  __________________________________________  Yes
VICE CHAIRMAN  _________________________________ _________  Yes
SECY.-TREAS.  _______________ ___________________________  Yes
ASST. SECY.-TREAS.  __________________________________________  Yes
COMMISSIONER  _______________ ___________________________  Yes

APPROVED:  ATTEST:

William E. Biedenbach, Chairman  Lillian Conrad, Secretary-Treasurer

APPROVED AS TO FORM & LEGALITY:

Thomas A. Cloud, General Counsel