

RESOLUTION NO. 2013-05

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA SUPPORTING LEGISLATION PERTAINING TO AMENDMENT OF THE *CONSULTANTS' COMPETITIVE NEGOTIATIONS ACT*; PROVIDING FOR LEGISLATIVE FINDINGS AND IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Daytona Beach Shores desires to ensure that the City attains the best pricing and quality relative to the procurement of goods and services for the benefit of the citizens of the City; and

WHEREAS, the *Consultants' Competitive Negotiation Act (CCNA)* is a public procurement law passed by the Florida Legislature in 1973 and is now codified at Section 287.055, *Florida Statutes*; and

WHEREAS, the stated purpose of the *CCNA* is to promote fair and open competition and reduce the opportunity for the appearance of favoritism; and

WHEREAS, an additional stated purpose of the *CCNA* is to promote public confidence that the government awards contracts in an equitable manner; and

WHEREAS, all cities, counties, state agencies and political subdivisions (e.g., school boards and improvement districts) must use the procurement procedures established under the *CCNA* with regard to contracts awarded to engineers, surveyors, architects and landscape architects regardless as to whether the processes are in the best interests of the City; and

WHEREAS, such contracts are allowed to be awarded based on the amount of fees to be paid, but, instead, on the basis of consultant qualifications as set forth in the *CCNA*; and

WHEREAS, the City Council of Daytona Beach Shores has determined that proposed amendments to the *CCNA* that would revise the definition of the term "continuing contract" in the *CCNA* and define the term "best value selection" as well as clarify provisions with respect to selection of firms by the City, etc. would be in the best interests of the City and its citizens; and

WHEREAS, Senate Bill 100 filed by Senator Darren Soto and House Bill 739 filed by Representative Larry Metz, for consideration in the upcoming Legislative Session, at a minimum, are currently pending in the Florida Legislature and relate, in diverse ways, to the revision of the *CCNA* for the benefit of local governments such as the City.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION ONE. LEGISLATIVE FINDINGS.

- (a). The City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing this Resolution.
- (b). The City staff agenda memorandum relating to this Resolution is adopted herein by this reference thereto as additional findings of the City Council of the City of Daytona Beach Shores.
- (c). The above recitals (whereas clauses) are adopted by the City Council of the City of Daytona Beach Shores and made a substantive part of this Resolution.
- (d). The revision of State law relating to the procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services such as amending the definition of the term “continuing contract,” defining the term “best value selection,” clarifying provisions with respect to selection of firms by the City under the competitive selection process of the *CCNA*, providing that the City has the right to reject any or all submissions received in response to a public announcement under the *CCNA*, authorizing the City to award contracts to multiple firms under the *CCNA*’s competitive negotiation process, etc., would be in the best interests of the City.

SECTION TWO. REQUEST TO LEGISLATURE; IMPLEMENTING ADMINISTRATIVE ACTIONS.

- (a). The City Council of the City of Daytona Beach Shores urges the Florida Legislature to ENACT revisions to the *CCNA* such as those proposed in Senate Bill 100 and House Bill 739.
- (b). The City Manager is hereby directed to provide a copy of this Resolution to each member of the Volusia County Legislative Delegation, Senator Soto, Representative Metz and the Governor of the State of Florida.
- (c). The City Manager is hereby authorized to take any and all necessary administrative actions in order to implement the provisions of this Resolution.

SECTION THREE. CONFLICTS. All resolutions or parts thereof in conflict with this Resolution are hereby repealed.

SECTION FOUR. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION FIVE. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FLORIDA

By: _____
Mayor, Harry Jennings

ATTEST:

By: _____
Michael T. Booker, City Manager

Cheri Schwab, City Clerk

APPROVED AS TO FORM AND LEGALITY:

By: _____
Lonnie Groot, City Attorney

Passed and adopted on first reading this _____ day of, 2013.

Posted this _____ day of _____, 2013.