



TOWN COMMISSION MEETING

TUESDAY, MARCH 26TH, 2024

10:00 A.M.



**PUBLIC NOTICE/AGENDA
TOWN COMMISSION MEETING
Tuesday March 26th, 2024 at 10:00 a.m.**

Town Commission	Town Staff
John Deese, Mayor _____	Linda Stumpf, Town Manager _____
Simone Bonutti, Vice Mayor _____	Eric Marmer, Ass't. Town Manager _____
Elliot Bonner, Commissioner _____	Carmen Mattox, Chief of Police _____
Orla Imbesi, Commissioner _____	Erika Petersen, Town Clerk _____
David Knobel, Commissioner _____	Keith W. Davis, Town Attorney _____
Dwight Kulwin, Commissioner _____	Trey Nazzaro, Ass't. Town Attorney _____
Cindy McMackin, Commissioner _____	Brent Watson, Waterplant Superintendent _____

CALL TO ORDER & PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION: Senator Bobby Powell – Legislative Update

REORGANIZATION:

1. Swearing in of new Commissioners – Town Clerk Petersen
2. Recommendation of Appointments to Commissions – Mayor Deese
3. Recommendation of Appointments to Boards – Mayor Deese

**AGENDA ADDITIONS, DELETIONS OR SUBSTITUTIONS
MAYOR'S COMMENTS**

CONSENT AGENDA:

1. Minutes February 28th, 2024 Town Commission Meeting
2. Police Department Report and Fire/Rescue Response Time Report for February
3. Amendment to the Procurement & Purchasing Policy Setting New Thresholds
4. RES 03-2024 Declaration of Opposition to Form 6

REGULAR AGENDA:

1. Discussion Regarding Fire Rescue Services
2. Vice Mayor Bonutti's Request to Discuss Several Beach Issues
3. Town Manager Stumpf's Report

MAYOR'S COMMENTS

PUBLIC COMMENTS

OTHER BUSINESS

ADJOURNMENT

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the Town Commission, Special Magistrate or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings, and for such purpose may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing will be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA), THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact the Town Clerk at (561) 585-9477 - 600 South Ocean Blvd., Manalapan, FL 33462 - townhall@manalapan.org

RESOLUTION 02-2024

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA ELECTING CERTAIN TOWN COMMISSIONERS TO SERVE AS VICE MAYOR AND MAYOR PRO TEM; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, the Town Commission of the Town of Manalapan has convened for the purpose of reorganization and, in compliance with the Town Charter, has elected from among its members a Vice Mayor and a Mayor Pro Tem.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA AS FOLLOWS, that:

Section 1: The Town Commission of the Town of Manalapan does hereby elect and appoint the following members of the Town Commission to serve as the Vice Mayor and Mayor Pro Tem each for the respective term, as set forth herein below, in accordance with the Town Charter.

Section 2: Accordingly, the following named persons are elected to the positions of Vice Mayor and Mayor Pro Tempore:

_____ is hereby appointed **Vice Mayor** to serve for a term ending with the March election in 2025.

_____ is hereby appointed **Mayor Pro Tem** to serve for a term ending with the March election in 2025.

Section 3: This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 26th day of March, 2024

TOWN OF MANALAPAN

JOHN DEESE, MAYOR

ATTEST:

(Seal)

ERIKA PETERSEN, TOWN CLERK



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: CA.1

Agenda Item Name: February 28th, 2024 Town Commission Meeting Minutes

ACTION REQUESTED: Discussion ☐ Approval ☒

ATTACHMENT:

- February 28, 2024 Town Commission Meeting Minutes



Town Commission Meeting
Tuesday February 28th, 2024, at 10:00 a.m.

IN ATTENDANCE

TOWN COMMISSION		TOWN STAFF	
Vacant, Mayor	✓	Linda Stumpf, Town Manager	✓
John Deese, Vice Mayor	✓	Eric Marmer, Ass't. Town Manager	✓
Simone Bonutti, Mayor Pro Tem	✓	Carmen Mattox, Chief of Police	✓
Elliot Bonner, Commissioner	✓	Erika Petersen, Town Clerk	✓
Orla Imbesi, Commissioner	✓	Keith Davis, Town Attorney	✓
David Knobel, Commissioner	✓	Trey Nazzaro, Ass't. Town Attorney	✓
Dwight Kulwin, Commissioner	✓	Brent Watson, Water Plant Superintendent	✓

PUBLIC: Luke Denny, Hugh Bruder, and Anne Geggis (Coastal Star)

CALL TO ORDER & PLEDGE OF ALLEGIANCE

Town Commission meeting was called to order at 10:02 a.m.

AGENDA ADDITIONS, DELETIONS OR SUBSTITUTIONS

Town Manager Stumpf announced RA.1 would be postponed until after the Commissioners could have a workshop to discuss the contracts. The Commission agreed to hold a special workshop on Tuesday, March 12th at 10:30 AM.

CONSENT AGENDA

- 1. Minutes December 18, 2023 Town Commission Meeting**
- 2. Police Department Report and Fire/Rescue Response Time Report for December & January**
- 3. Establish the External Auditor Selection Committee**
- 4. RES 01-2024 Update Bank Signature Cards**

Mayor Pro Tem Bonutti made a motion to **approve** the Consent Agenda. Commissioner Bonner seconded the motion which prevailed by the following vote:

YES: Vice Mayor Deese, Mayor Pro Tem Bonutti, Commissioner Bonner, Commissioner Imbesi, and Commissioner Knobel

REGULAR AGENDA

RA. 1 Discussion Regarding Fire Rescue Services - POSTPONED

RA. 2 Town Manager Stumpf's Report

Town Manager Stumpf presented information to the Commissioners about meeting protocols including the 3-minute maximum allotted time for public comments per member of the public. She also notified the Commission about the new acoustical ceiling and wall panels that had been installed in the Chambers. She hoped they would mitigate the echo issues we had been experiencing.

Water Plant: Town Manager Stumpf informed the Commission that Commissioner Knobel had taken a tour of the Water Plant facility and that all of the Commissioners were welcome to take a tour if so desired. She went on to explain that the hydromantic tanks had been drained and cleaned.

Lands End Road Cul de Sac Update: Town Manager Stumpf announced that the project was coming along slower than anticipated but the new pavers had been installed and soon the new landscape plantings would be approved soon.

Code Enforcement: Town Manager Stumpf told the Commissioners that the biggest issue is still construction sites. She directed them to the logs provided on the dais.

Library: Town Manager Stumpf announced that there were 38 people in attendance at the first performance of the lecture season. She noted that yoga was still very popular but book club had not yet begun.

Iguanas: Town Manager Stumpf notified the Commission that it is now iguana breeding season which means they tend to go underground for nesting.

Gas Pump: Town Manager Stumpf explained that Assistant Town Manager Marmer suggested a technology that the Town of Highland Beach uses that is a digital fuel log system called Fluid Secure. The Town had this installed on our gas pump which will make it more secure as it has an integrated camera and automatically logs fuel usage into the cloud-supported platform for easy review. Assistant Town Manager Marmer said he believes this to be a more safe and secure method.

Town Manager Stumpf announced that Assistant Town Manager Marmer has also suggested a new accounting and utility software. She explained that Assistant Town Manager Marmer and Accounting Clerk Ashley Watson were working on implementing this new software called BS&A. She advised the Commission that this would vastly improve efficiency as all of the modules tie in together as opposed to the spreadsheet system that was currently being utilized. Assistant Town Manager Marmer went on to explain that this system will provide real-time budget numbers and spend tracking which will be worth the effort in the short term. This system is expected to take one year to implement fully.

PUBLIC COMMENTS

There were none.

OTHER BUSINESS

Mayor Pro Tem Bonutti asked to add Beach Erosion and trespassing on private beach property as a discussion item to the next Commission meeting agenda.

The Town Commission meeting adjourned at 10:40 a.m.

**These minutes were presented to the Town Commission
on Tuesday March 26, 2024 for approval.**

John Deese, Mayor

Date Signed

Erika Petersen, Town Clerk

Date Signed



TOWN OF MANALAPAN

AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: CA.2

Agenda Item Name: Police Department Chief's Report and Palm Beach County Fire Rescue Response Times for February

ACTION REQUESTED: Discussion ☐ Action ☒

ATTACHMENT:

- The Police Department Chief's Report for February including Monthly Stats
- Palm Beach County Fire/Rescue response times for February

TO: Mayor and Town Commissioners
Linda Stumpf, Town Manager

FROM: Chief Mattox

SUBJECT: Monthly Report for January

DATE: February 19, 2024

Staffing

We currently have one full-time vacant position. Officer Turner, the part time marine patrol officer advised he is currently processing with another agency. This officer resides south of Palm Beach County and is looking for an agency closer to his home.

Zone Coverage

We are maintaining three officer coverage on midnight. We maintain three officer coverage on dayshift as staffing allows.

Fleet

All services and repairs are up to date.

Training

All officers completed November's computer-based training. All officers who requested to carry a rifle completed training and qualifications.

Miscellaneous

I do not know if I mentioned it previously, but the Town Generator was replaced in January. The generator has been on back order for approximately one year. It came out of the 2023 budget.

The new improvements made to the gas pump are very much appreciated by all the officers. We are in the process of installing card swipes at the main entries for all employees. Both projects were unbudgeted and monies from the Chief's discretionary fund were used to cover the costs.

We are approaching the new budget year, and I am looking to add Sergeant positions to each shift. This will provide 24-hour supervision on each shift.

Officer Stinnett is spearheading extra bicycle enforcement on the weekends.

We paid overtime to have two ATV patrols on the beach during spring break.

The seawall camera behind the station is not working and the replacement is covered under the warranty.



MANALAPAN POLICE DEPARTMENT

600 South Ocean Boulevard, Manalapan, Florida 33462-3398
Telephone (561) 585-4030 Fax (561) 547-7815
www.manalapan.org

To: Chief Mattox

From: Ofc. Stinnett 52150

Reference: Bicycle traffic enforcement

Sir,

As requested, I conducted traffic enforcement/education on bicyclist traveling on S. Ocean Blvd. impeding traffic flow. On Saturday March 16, 2024 I stopped two large groups of bicyclists both containing more than 40 riders blocking southbound traffic. Both stops were conducted in the 1800 block of S. Ocean Blvd. after the bicyclist failed to get into a single file to allow motorist to pass. All 80 plus riders were educated about bicycle traffic laws/safety and released with verbal warnings. Both traffic stops were documented under CAD number 24-0004065.

On Sunday March 17, 2024 one stop was conducted on a group of 8 bicyclists traveling southbound for the same violation in the 900 Block of S. Ocean Blvd. This group was also educated about bicycle traffic laws/safety and released with verbal warnings. The traffic stop was documented under CAD number 24-0004450.

Starting next weekend citation will be issued for further violations.

If additional information is needed, please let me know.

Officer Stinnett 52150



Manalapan Police Department
Monthly Stats
February 2024



CALLS FOR SERVICE

Call Type	Total	Zone 1 Point	Zone 2 A1A	Zone 4 Out of Town	Zone 5 N. Inlet	Zone 6 Beach	Zone 7 Bird Island	Zone 8 Plaza & The EAU	Zone ORP
9-1-1 Abandoned	6								
9-1-1 Received	35								
9-1-1 Transfer	8								
Alarms	8	6	1					1	
Animal Complaints	3	1				1		1	
ATV Completed	78					78			
ATV Cancelled	106					106			
Assault	0								
Battery	0								
Boat/Marine Patrol	11								11
Burglary A / B / R / V	0								
Child Abuse	0								
Construction Site Checks	141	96	45						
Dark House Checks	189	67	55					67	
Distressed Swimmer	2					2			
Disturbance	1			1					
Domestic	0								
Drones	0								
Driving Under Influence	0								
Drug Law Violation	0								
Grand Theft Auto	1	1							
Lewd Acts	0								
Fire	0								
Fire Alarm	1							1	
Fraud	2		1					1	
Information	6	2	3					1	
Obscene Harrassing Calls	0								
Mental	1							1	
Medical	8	4	2					2	
Mutual Aid	0								
Open Door	4	2	1		1				
Ordinance Violations	5	3	1					1	
Plaza Walk and Talk	109							109	
Parking Enforcement	88	20	21		1			46	
Possession of Alcohol	0								
Property Damage	1							1	
Property Found	1		1						
Property Lost	0								
Service Calls	22	7	14					1	
Suspicious Incident	3	3							
Suspicious Person	4	1	3						
Suspicious Vehicle	3	1						2	
Stolen Vehicle Alerts-LPR	0								
Theft	1							1	
Traffic Crash	4							4	
Traffic Stops	199	18	174					6	1
Traffic Citations	96								
Trespass	4		3						1
Vessel Stop	0								

Manalapan Police Department

Warrant Arrest	1							
Welfare Check	0			Monthly Stats				
Work Hour	0			February 2024				



Manalapan Police Department
Monthly Stats
February 2024



INCIDENT REPORTS

Case #	Incident Type	Zone	Note	Case #	Incident Type	Zone	Note
24-0014	TS	2		24-0029	TS / No DL	2	ARR
24-0015	Arrest Warrant	2	ARR	24-0030	Hit & Run	8	
24-0016	Fraud	2		24-0031	Baker Act	8	
24-0017	Parking Citation	1					
24-0018	Damaged Property	8					
24-0019	Crash	8					
24-0020	TS / No DL	2					
24-0021	TS	2	NTA				
24-0022	Grand Theft / Jet Ski	1					
24-0023	Theft	8					
24-0024	Crash	8					
24-0025	Information	8					
24-0026	Susp Person	2					
24-0027	TS / Seize tag	2					
24-0028	Fraud	8					

MONTHLY TRAINING		MONTHLY DISPATCH CALLS			
In Service PLI -		911	41		
		Non-Emergency	640		
		Total	681		



3/5/2024

Palm Beach County Fire Rescue

Manalapan

02/01/2024 to 02/29/2024

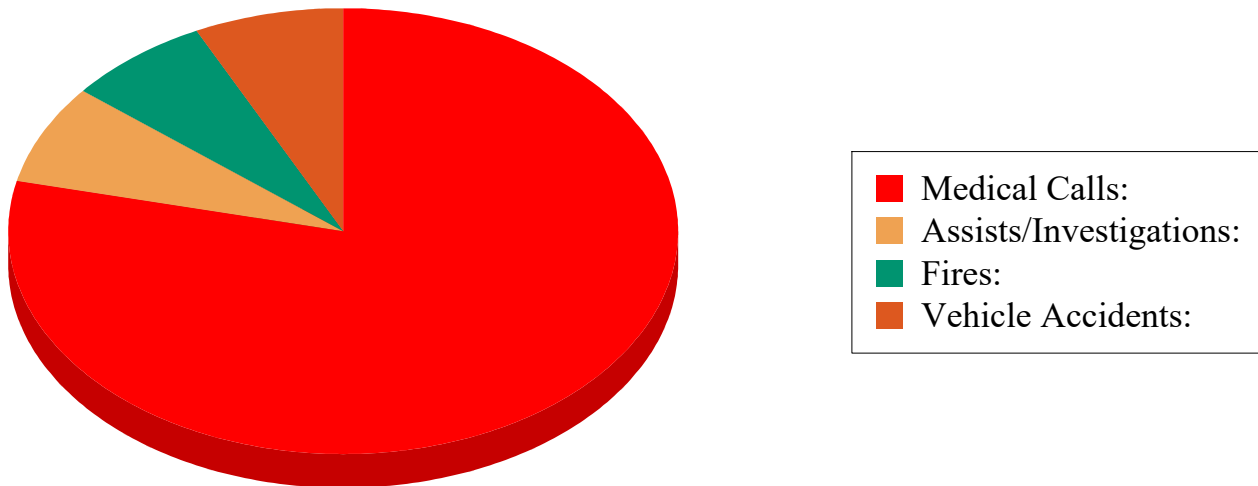
Average Response Times	Disp Hand	Turnout	Travel	Resp Time
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Emergency Calls:	<u>0:00:36</u>	<u>0:01:10</u>	<u>0:04:19</u>	<u>0:06:04</u>
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<u>Type - Situation Dispatched</u>	<u># of Incidents</u>	<u>%</u>
Medical Calls:	11	78.57%
Assists/Investigations:	1	7.14%
Fires:	1	7.14%
Vehicle Accidents:	1	7.14%
Total	<u>14</u>	<u>100.00%</u>

Calls by Situation Dispatched

Manalapan





TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: CA.3

Agenda Item Name: Purchasing Policy Updates

ACTION REQUESTED: Discussion ☐ Approval ☒

BACKGROUND:

Staff recommends that the Town Commission consider updating the Procurement & Procedures Policy to include procurement thresholds for obtaining a single quote in response to inflation and supply chain challenges. Additionally, the staff proposes language that clarifies and streamlines the procurement process. It is important to note that these thresholds have not been updated since 2018.

ATTACHMENT:

- Amended Purchasing Policy



TOWN OF MANALAPAN PROCUREMENT POLICY AND PROCEDURES Amended Effective 03/26/2024

Purpose

The purpose of this manual is to provide for the fair and equitable treatment of all persons involved in purchasing by the Town, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a purchasing system of quality and integrity.

Roles and Responsibilities

The Charter and Ordinances of the Town of Manalapan delegate purchasing responsibilities to the office of the Town Manager. In order to best accomplish this delegated responsibility, purchasing is organized around the Town Manager as Purchasing Agent and the Accounting Clerk as Deputy Purchasing Agent. Their duties consist of procurement of all commodities, as well as establishing and maintaining responsible and ethical standards.

PURCHASING PROCEDURES – PROCUREMENT THRESHOLDS AND APPROVAL LEVELS

Purchase of Items less than \$10,000

- At least one (1) quote must be obtained, either verbally or in writing.
- A Town of Manalapan purchase requisition form is completed and is approved by the Department Head or designee.
- A Town of Manalapan purchase requisition form is submitted to the Accounting Clerk for processing.
- Note: A Purchase Order will not be issued for items under \$2,500.00 unless the vendor specifically requires one.

Purchase of Items from \$10,501.00 to \$75,000.00

- Three (3) written quotes must be obtained.
- In the event that there is a tie between two (2) or more quotes, the Town Manager or designee shall determine which quote to accept based on the

following factors and conditions: delivery dates, cost of shipping of goods involved, past performance records, payment terms, guaranties, warranties.

- A Town of Manalapan purchase requisition form is completed and is approved by the Department Head or designee.
- The requisition form is submitted to the Accounting Clerk for processing and verification of unencumbered budgeted funds.
- The requisition form is submitted to the Town Manager for final approval.
- Upon receipt of the completed, approved requisition form, the Accounting Clerk prepares a Purchase Order form.

Purchases in Excess of \$75,000.00

- Bids must be obtained using a formal bidding process; or in the alternative, an invitation may be advertised for the provision of sealed, competitive bids.
- Upon award to the successful bidder, a Town of Manalapan purchase requisition form is completed and is approved by the Department Head or designee.
- The requisition form is submitted to the Accounting Clerk for processing and verification of unencumbered budgeted funds.
- The requisition form is submitted to the Town Manager for approval.
- Upon receipt of the completed, approved requisition form, the Accounting Clerk prepares a Purchase Order form.
- Purchase Order forms are generally approved by the Town Manager or designee; however, in the absence of a Town Manager the Mayor, Vice Mayor or Mayor Pro Tem may approve the Purchase Order.

Personal Property, Commodities, Services, and Construction			
Total Purchase Amount	Procurement Process	Approval Levels	Purchase Type
\$0 - \$10,000	One Written Quote/Invoice*	Requesting Department Accounting Clerk Town Manager	Purchase Requisition
\$10,001.00 - \$75,000	Three Written Quotes**	Requesting Department Accounting Clerk Town Manager	Purchase Order

\$75,001.00 & over	Sealed Competitive**	Requesting Department Accounting Clerk Town Manager Town Commission	Executed Agreement and Purchase Order
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* Note: A Purchase Order will not be issued for items under \$2,500.00 unless the vendor specifically requires one.

**Piggyback, Emergency Purchases, Sole Source/Standard do not require Quotes or Sealed Competitive Solicitations.

Blanket Purchase Orders

Blanket Purchase Orders are used to purchase specific items for which specified quantities cannot be identified. All Blanket Purchase Orders shall expire no later than the close of the current fiscal year. Blanket Purchase Orders shall include the following information:

- Specific item to be purchased
- A not-to-exceed dollar amount
- A defined expiration date no later than the close of the current fiscal year.
- Applicable special shipping instructions
- Quote or bid back-up information for Orders over \$2,500.00

Blanket Purchase Orders may not be utilized for capital items over \$2,500.00.

Purchases from Petty Cash

The Town maintains two (2) petty cash funds: one (1) for the General Fund, and another for the Enterprise Fund. The Accounting Clerk is the custodian of the Town's petty cash funds.

When an employee requests reimbursement from petty cash for approved purchases he or she made on behalf of the Town, a petty cash voucher form must be completed and signed by both the employee receiving the money and the Department Head for which the purchase was made. The receipt must be stapled to the petty cash voucher. **Please note that sales tax will not be reimbursed.**

The Town is tax-exempt, and it is the responsibility of the purchaser to properly notify the vendor of the Town's tax-exempt number. Copies of the Town's tax-exempt certificate are available from the Accounting Clerk.

Petty cash funds should be reconciled and reimbursed on a monthly basis. Any discrepancies in the petty cash fund discovered during reconciliation should be brought to the attention of the Town Manager immediately. If theft is suspected, the Police Department should also be notified.

Unbudgeted Purchases

In the event that a department needs to procure goods or services in an amount that exceeds the approved budget for the department, the following procedure will be followed:

- Procurements for \$2,500.00 or less must be approved by the Town Manager or designee; however, in the absence of a Town Manager the Mayor, Vice Mayor or Mayor Pro Tem may approve the procurement.
- Procurements in excess of \$2,500.00 must be approved by the Town Commission.
- All unbudgeted purchase requests must be accompanied by a memo from the ordering Department Head explaining the need for the procurement.

FORMAL BIDDING PROCESS

For the procurement of goods or services in excess of \$75,000.00 but less than \$150,000.00, and for the procurement of public construction projects projected to cost less than \$200,000.00, three (3) or more written offers to supply goods and/or services at a stated price and in full compliance with written bid specifications and bidding procedures shall be obtained by the Town, unless an exception as stated below applies. The Town Manager or designee is authorized to establish bidding procedures and bid specifications. The bids shall be opened publicly by the Town Manager or designee, with the Town Clerk in attendance at the time and place stated in the bid specifications. The Town Manager shall submit a tabulation of the bids and shall make a recommendation to the Town Commission for authorization of the procurement.

SOLICITATION FOR SEALED COMPETITIVE BIDS

Sealed Competitive Bids shall be required for each purchase in excess of \$150,000.00 unless an exception as stated below applies. The Town Manager or designee is authorized to establish bidding procedures and bid specifications in a manner that is consistent with the policies stated below.

In addition, Pursuant to Sec. 255.0525(2), *Florida Statutes*, Sealed Competitive Bids are required for public construction projects that are projected to cost more than \$200,000.00, in a manner that is consistent with the policies stated below:

Invitation to Bid

Sealed Competitive Bids for purchases in excess of \$150,000.00, or for construction projects that are projected to cost more than \$200,000.00 but less than \$500,000.00 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least twenty-one (21) days prior to the date of receiving bids/proposals and at least five (5) days prior to any scheduled pre-bid conference.

Sealed Competitive Bids for construction projects that are projected to cost more than \$500,000.00 shall be publicly advertised at least once in a newspaper of general circulation in the county where the project is located at least thirty (30)

days prior to the date of receiving bids/proposals and at least five (5) days prior to any scheduled pre-bid conference.

In addition to the above referenced newspaper advertisement requirements, procurement via Sealed Competitive Bids shall also be advertised by posting a notice in a conspicuous location in Town Hall and by posting the bid documents on the Town's website.

Notice of Bids

All advertised invitations to bid must include the standard Town of Manalapan "Notice to Bidders".

Determination of Best Bid

It shall be the responsibility of the Town Manager, as well as the Town engineers when necessary, to determine the lowest, best, responsible bidder meeting specifications and conditions of an invitation to bid. Where recommendations are made to accept a bid other than the lowest responsive, responsible bidder for procurements of more than \$150,000.00, or in the event of a tie bid, the Town Manager's recommendation with justifications shall be submitted to the Town Commission for final determination.

Procurements Not to Be Divided; Records to be Maintained

No procurement shall be divided or sub-divided in order to circumvent requirements of the Florida Statutes, the Town of Manalapan Code, or these procurement policies and procedures. The Accounting Clerk shall keep record copies of all specifications, bids and tabulations.

Right to Reject Bids

The Town Manager, or the Town Commission, as appropriate, shall reserve the right to reject any and all bids and make no award; or to waive any formalities and make an award in the best interest of the Town. Such reservation shall be indicated in all advertised invitations to bid and instructions to bidders. Any exercise of these rights by the Town shall be properly documented by the Town Manager or designee.

Waiver of Policy

Subject to the approval of the Town Commission, the Town Manager or designee may authorize the waiver of any or all of the procurement policies and procedures contained herein, when the Town Commission determines that use of such policy or procedure is not practicable and is not advantageous to the Town.

EXCEPTIONS TO FORMAL BIDDING REQUIREMENTS AND SEALED COMPETITIVE BID REQUIREMENTS

Emergency Procurement

Notwithstanding any other provisions contained in these policies, the Town Manager or designee may make or authorize others to make emergency procurement of supplies, services or construction items when there exists a threat to the public health, welfare, or safety. Such emergency procurement shall be subsequently reviewed by the Town Commission at its next regularly scheduled Town Commission meeting.

Emergency procurement may not be implemented to procure goods and/or services needed to carry on what should be considered as normal operations. Failure to anticipate normal operating needs does not rise to the level of an emergency. Although poor planning, overlooked requirements, inaccurate usage history or inadequate forecasting may result in the need for expedited purchasing, these are not bona fide emergencies.

The Town Commission shall be notified immediately of all emergency procurement where the cost of the commodity or service exceeds \$75,000.00.

Sole Source Procurement

All sole source procurement where the cost of the commodity or service exceeds \$125,000.00 shall be authorized by the Town Commission.

Piggybacking

The Town may procure commodities or services under the provision of current contracts that have been procured by other local, state or federal agencies. The following requirements must be met in order to piggyback:

- The specific items to be procured were included in the original bid and were evaluated as part of the contract award decision by the other local, state or federal agency (Piggybacking is not permissible when the action would call for a substitution of goods or services or an increase in quantities that were not originally bid on and not originally evaluated by other local, state or federal agencies as part of the contract award)
- The contract is current and in effect
- The original contract was publicly advertised, issued and awarded by a bona-fide governmental agency
- The vendor consents to the piggybacking and executes a separate agreement with the Town which confirms that the same prices, terms and conditions granted to the original contracting agency will be granted to the Town. A copy of the executed agreement shall be attached to the request for purchase order.
- All piggyback procurement where the cost of the commodity or service exceeds \$150,000.00 shall be authorized by the Town Commission.

Procurement of Professional Services (CCNA)

The procurement of professional services for the practice of architecture, professional engineering, landscape architecture, or registered land surveying shall be pursuant to the requirements of the Consultants' Competitive Negotiation Act (CCNA), Sec. 287.055 *Florida Statutes*.

Procurement of Exempt Contractual Services

The procurement of contractual services that involve special skill, ability, training or experience which are in their nature unique, original or creative in accordance with Sec. 287.057, *Florida Statutes*. Such contractual services include, but are not limited to, artistic services, lecture services, legal services, or health services. This type of contractual service may be procured by Letter of Interest or requests for proposals and selected through Competitive Selection and Negotiation.

Procurement of Town Vehicles

Town vehicles may be procured via piggybacking or obtaining three (3) written quotes. This procurement category is not subject to advertisement requirements.

Specialty Goods and Services

Acquisitions of or contracts for specialty goods and services (including but not limited to performing artists, artwork, special events, entertainment, and food and beverage) may be made or entered into by the Town Manager without utilizing a Sealed Competitive Method or the Three Written Quotations Method.

Town Standard

Where the Town has determined that a particular style, brand, make, or model is the only type that meets the Town's requirements for performance, consistency, compatibility or other salient characteristics, and such determination has resulted in there being only one source available to the Town, the Town may acquire or contract for such goods without utilizing a Sealed Competitive Method or the Written Quotations Method.

TERMS AND DEFINITIONS

Although this listing of terms and definitions is comprehensive, it is not to be considered as being completely inclusive of all terms related to the procurement of commodities and services by the Town.

Award means the acceptance of a bid, offer, or proposal by the proper authority. The Town Commission must award all contracts of \$150,000.00 or more with the exception of emergency purchases.

Bid Bond means a form of bid security executed by the bidder as principal and by a surety to guarantee that the bidder will enter into, and satisfactorily completes the contract within a specified time and furnish and required performance bond.

Blanket Purchase Order is a purchase order that covers the purchase of repetitive type supplies of a like nature for a stipulated period of time (e.g. 12 months).

Capital Purchases means all tangible personal property having an original acquisition cost of \$150,000.00 or more per unit and a probable useful life expectancy of more than one year. This would include the capitalized purchase of any software.

Change Order is a written order amending a purchase order. Purchase orders may be amended to correct errors, discrepancies, acceptable overruns, freight costs, or amendments to contracts which entail additional cost.

Commodities include but are not limited to, goods, equipment, material and printing, purchased, leased or otherwise contracted for by the Town.

Competitive Bids or Competitive Offers means the receipt of bids or offers submitted by responsive and qualified bidders or offerors.

Competitive Selection and Negotiation is a method of purchasing whereby qualified professional firms are invited to submit "Letters of Interest" and are short listed by an appropriately appointed evaluation committee.

Construction means the process of building, altering, repairing, improving or demolishing any public structure or building or other public improvements of any kind to any public real property. It does not include the routine operation, routine repair or routine maintenance on existing structures, buildings or real property.

Construction Change Order is a written order authorized by the proper authority, directing the contractor to make changes which the change's clause of the construction contract authorizes. Construction Change Orders will require Town Commission approval. The Purchasing Agent must be notified when the construction change order occurs.

Contract means all types of binding agreements, including purchase orders, for the procurement of supplies and contractual services.

Contractor means any person or business having a contract with the Town of Manalapan to perform services or sell a product.

Contractual Services means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities, materials, goods, equipment and other personal property. The term applies only to those services rendered by individuals and firms who are independent contractors.

Cooperative Purchasing means the procurement conducted by or on behalf of more than one government entity.

Debarment means a disqualification of a business or person from receiving invitations for bids or requests for proposals or the award of contracts by the Town, because of previous illegal or irresponsible action, for a specific period of time commensurate with the gravity of the offense or the failure or the inadequacy of performance.

Designee means a duly authorized representative of a person holding a superior position.

Emergency means a situation brought about by a sudden unexpected turn of events (i.e. Act of God, riots, fires, floods, accidents, etc.) or any circumstances or causes beyond the control of the Town in the normal conduct of business. Emergencies could be involving health, welfare, injury, or loss to the Town, which can only be rectified by immediate purchase of equipment, supplies, materials, or services.

Exempt Contractual Services means any services where the Town is obtaining advice, instruction, or specialized work that involves special skill, ability, training or experience which are in their nature unique, original or creative in accordance with Sec. 287.057, *Florida Statutes*. Such contractual services include, but are not limited to, artistic services, lecture services, legal services, or health services. Professional services may include a report, or written advice which may be lengthy; however, the main thrust of the service is not considered labor, but the exercise of intellectual or artistic ability. The procurement of professional services does not lend itself to normal competitive bidding and price competition alone. These services may be procured by Letter of Interest or requests for proposals and selected through Competitive Selection and Negotiation.

Invitation to Bid means a written solicitation for competitive sealed bids with the title, date, and hour of the public bid opening designated and specifically defining the commodities or contractual services for which bids are sought. The invitation for bid will be used when the Town is capable of specifically defining the scope of work for which a contractual service is required or when the Town is capable of establishing precise specifications defining the actual commodities required. The invitation to bid will include instructions to bidders, plans, drawings and

specifications, if any bid form and other required forms and documents to be submitted with the bid.

Letter of Interest (Request for) is a method of selecting a vendor whereby all vendors are invited to submit a summary of their qualifications and state their interest in performing a specific job or service.

Negotiations for Professional Services means the act of determining terms, conditions, and prices for the performance of professional services. An appropriately appointed negotiation committee will negotiate with the top ranked candidate from the competitive selection of professional service firms, in an attempt to reach agreement on a contract for the provision of services to the Town.

Notice of Award means the written notice by the Town to the apparent, successful bidder stating that upon compliance by the successful bidder with the conditions precedent to the contract within the time specified, the Town will sign and deliver the contract.

Open-End Contract means a contract whereby an indefinite quantity of supplies, services, or construction are to be procured over an identified time span, as and when needed.

Procurement is the buying, purchasing, renting, leasing or otherwise obtaining any supplies, all functions that pertain to the obtaining of any supplies, services, construction or an other item(s), including description of requirements, selection and solicitation of sources, preparation and award of contracts and all phases of contract administration.

Professional Services means any services where the Town is obtaining advice, instruction, or specialized work in the field of architecture, professional engineering, landscape architecture or registered land surveying. Procurement of such services shall be pursuant to the Consultants' Competitive Negotiation Act (CCNA), Sec. 287.055 *Florida Statutes*.

Purchasing Agent is the Purchasing Agent for the Town of Manalapan of the person designated to act in behalf of the Purchasing Agent. This position has the authority to solicit bids and issue purchase orders for the Town. All purchase orders entered into by the Town will require the authorizing signature of the Purchasing Agent.

Purchase Order means a purchaser's document to formalize a purchase transaction with a vendor, conveying acceptance of a vendor's proposal. The purchase order should contain statements as to quantity, description and price of the supplies, services or construction ordered and applicable terms as to payment, discounts, date of performance, transportation, insurance and other factors.

Quotation means an informal (verbal) or formal (written) notice by a vendor to the buyer stating the prices, terms and conditions under which they will furnish certain goods or services.

Request for Proposals means all documents, whether attached or incorporated by reference, for soliciting sealed proposals.

Selection and Negotiation Committee is a group of persons appointed by the Town Manager to rank in preferential order those professional firms or individuals interested in providing services on a particular project and to negotiate a final contract with the highest ranked firm.

Sole Brand means the only known brand or only reasonable brand capable of fulfilling the needs of the Town.

Sole Source means the only known vendor or the only reasonable vendor capable of providing a service of commodity to the Town.

State Contract is the State of Florida Purchasing Division's formal bidding process and award of various equipment and services contracts extended for use by all political subdivisions (entities).

Surplus Property means any property belonging to the Town, which is capable of being used, but is in excess of the normal operating requirements of the Town. This property is disposed by auction, or other means which proves to be more beneficial to the Town as determined by all or two of the following: Town Manager, and Accounting Clerk. The Town Commission will approve the awarded sale of the property.

Suspension means the disqualification of a business or person from receiving Invitations for Bids or Request for Proposals of the award of a contract by the Town for a given period.



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: CA.4

Agenda Item Name: RES 03-2024 Declaration of Opposition to Form 6

ACTION REQUESTED: Discussion ☐ Approval ☒

BACKGROUND:

Staff is recommending the Town Commission consider formally declaring its opposition to the new financial disclosure requirements recently passed by the Florida legislature. Senate Bill 774, passed during the 2023 legislative session, this requires all elected municipal mayors and elected governing body members to file the more invasive Form 6 Financial Disclosure form instead of the previously required Form 1.

ATTACHMENT:

- RES 03-2024

RESOLUTION 3-2024

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, EXPRESSING OPPOSITION TO RECENT CHANGES TO STATE LAW REQUIRING ELECTED MAYORS AND GOVERNING BODY MEMBERS OF MUNICIPALITIES TO COMPLETE AND FILE THE FORM 6 "FULL DISCLOSURE OF FINANCIAL INTERESTS" AS OF JANUARY 1, 2024; AUTHORIZING THE TOWN, AT ITS DISCRETION, TO JOIN ANY FUTURE COORDINATED POLITICAL OR LEGAL EFFORTS WITH OTHER GOVERNMENTAL ENTITIES TO RESCIND, REVISE OR OTHERWISE CHALLENGE THIS REQUIREMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Laws of Florida 2023-09, amending Sec. 112.3144, Florida Statutes, to require all elected municipal mayors and elected municipal governing body members who are in office as of January 1, 2024 to file the Form 6 "Full Disclosure of Financial Interests;" and

WHEREAS, Form 6 has historically only applied to state level elected officials and constitutional officers, with municipal elected officials having to file the Form 1 "Statement of Financial Disclosure;" and

WHEREAS, Form 6, unlike Form 1, requires the public disclosure of an individual's net worth, assets, and liabilities; and

WHEREAS, the imposition of this requirement at the local level, especially in smaller municipalities and especially in municipalities whose elected officials are volunteers that receive no compensation for their service, creates opportunities for local detractors to harass such municipal officials at a level of magnitude beyond that to which state level and constitutional officer level officials are subject, and

WHEREAS, the Town Commission of the Town of Manalapan will support coordinated political and legal efforts, at their discretion, with other governmental entities to rescind, revise or otherwise challenge this requirement.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF MANALAPAN, FLORIDA, AS FOLLOWS:

Section 1: The above recitals are hereby approved as findings of fact and are hereby incorporated into this Resolution as if fully set forth herein.

Section 2: The Town Commission of the Town of Manalapan, Florida, hereby expresses its opposition to recent changes to state law requiring elected mayors and governing body members of municipalities to complete and file the Form 6 "Full Disclosure of Financial Interests" as of January 1, 2024.

Section 3: The Town Commission of the Town of Manalapan, Florida, at its discretion hereby declares its support of any future coordinated political or legal efforts with other governmental entities to rescind, revise or otherwise challenge this Form 6 filing requirement in the future.

Section 4: This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 26th day of March, 2024

TOWN OF MANALAPAN

JOHN DEESE, MAYOR

ATTEST:

(Seal)

ERIKA PETERSEN, TOWN CLERK



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: RA 1

Agenda Item Name: Discussion Regarding Fire Rescue Services

ACTION REQUESTED: Discussion ☐ Action ☐

BACKGROUND:

The Town Manager and Assistant Town Manager have been working with two Fire Rescue providers since November on contract negotiations. We are pleased to provide the Commission with two potential agreements for Fire Rescue Services within the Town.

ATTACHMENT:

- Draft agreement with Palm Beach County Fire Rescue
- Draft agreement with Boynton Beach Fire Rescue



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: RA 2

Agenda Item Name: Vice Mayor Bonutti's Request to Discuss Several Beach Issues

ACTION REQUESTED: Discussion ☒ Action ☐

BACKGROUND:

At the February 28th Town Commission Meeting, Vice Mayor Bonutti brought up her desire to discuss various issues along the beach.



TOWN OF MANALAPAN AGENDA ITEM SUMMARY

Meeting Date: March 26, 2024

Agenda Item No.: RA 3

Agenda Item Name: Town Manager Stumpf's Report

ACTION REQUESTED: Discussion ☐ Action ☐

BACKGROUND:

- Code enforcement log
- Iguana control update
- Election results for our precinct
- Lands End Road Cul de Sac update
- Update on Library programs