

MILLCREEK, UTAH
RESOLUTION NO. 17-

**A RESOLUTION OF THE MILLCREEK COUNCIL
RECOGNIZING THE RECEIPT FROM THE MAYOR OF A WRITTEN STATEMENT
THAT THE PURCHASE OF AN OUTDOOR MOVIE SCREEN FOR USE AT
COMMUNITY EVENTS FOR THE AMOUNT OF \$11,999.30
FROM OPEN AIR CINEMA WITHOUT A REQUEST FOR PROPOSAL IS IN THE
BEST INTEREST OF MILLCREEK, AND AUTHORIZING THE MAYOR TO
PURCHASE THE OUTDOOR MOVIE SCREEN**

WHEREAS, the Millcreek Council (“*Council*”) met in regular meeting on January 30, 2017, to consider, among other things, recognizing the receipt from the Mayor of a written statement that the purchase of an outdoor movie screen for use at community events for the amount of \$11,999.30 from Open Air Cinema without a request for proposals is in the best interest of Millcreek, and authorizing the Mayor to purchase the movie screen; and

WHEREAS, on November 28, 2016, Millcreek adopted a procurement ordinance that provides, among other things, that “[e]xcept as provided herein, whenever the total price of a contract for services or supplies is estimated to be greater than \$5,000, an invitation for bids or a request for proposals shall be issued prior to acquisition.”

WHEREAS, the purchase price for the referenced movie screen is greater than \$5,000 and “except as provided herein” would require an invitation for bids or a request for proposals; and

WHEREAS, Millcreek’s procurement ordinance provides, “except as provided herein” ... that “[n]otwithstanding the above, if the Mayor determines in writing, a copy of which shall be given to the Council at the next regular Council meeting, that the method described above is either not practical or not advantageous to the City, a contract may be entered into as provided in Utah Code Ann. § 63G-6a-101 et seq.”; and

WHEREAS, Utah Code Ann. § 63G-6a-802 provides in part that “the head of a procurement unit with independent procurement authority may award a contract for a procurement item without engaging in a standard procurement process if the ... the head of the procurement unit with independent procurement authority determines in writing that...the award of a contract is under circumstances, described in rules adopted by the applicable rulemaking authority, that make awarding the contract through a standard procurement process impractical and not in the best interest of the procurement unit;” and

WHEREAS, the Council finds that Millcreek is a procurement unit with independent procurement authority and the Mayor is the head of such procurement unit as contemplated in Utah Code Ann. § 63G-6a- 802; and

WHEREAS, the Council has received a writing from the Mayor that the purchase of the movie screen through the standard procurement process is impractical and not in the best interest of Millcreek; and

WHEREAS, the Council finds that the writing satisfies the requirements of Millcreek's procurement ordinance and Utah Code Ann. § 63G-6a-802; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Millcreek to authorize the purchase of an outdoor movie screen for use at community events for the amount of \$11,999.30 from Open Air Cinema without a request for proposals.

NOW, THEREFORE, BE IT RESOLVED by the Council that the Mayor is hereby authorized to purchase of an outdoor movie screen for community events for the amount of \$11,999.30 from Open Air Cinema without a request for proposals.

This Resolution, assigned No. 17-___, shall take effect immediately upon passage.

PASSED AND APPROVED by the Council this ___ day of January, 2017.

MILLCREEK

ATTEST:

Mayor Jeff Silvestrini

Leslie Van Frank, Acting City Recorder