HAYWOOD COUNTY
BOARD OF COMMISSIONERS

AGENDA REQUEST
Must be presented to the County Manager's Office
NO LATER THAN 5 P.M. FRIDAY THE WEEK BEFORE THE MEETING

DATE OF REQUEST: Monday, July 27, 2015
FROM: Jim Pressley, EMS Director
MEETING DATE REQUESTED: August 3, 2015
Regular meetings: *First (1st) Monday of the month at 9:00 am*
Third (3rd) Monday of the month at 5:30 pm

SUBJECT: Purchase recommendation of two (2) ambulance remounts from lowest responsible, responsive bid due to EMS Ambulance Remounts RFB and trade-in 2 old 2008 Ford ambulance chassis toward the 2 ambulance remounts.

REQUEST: Approval for two EMS ambulance remounts order resulting from competitive bidding under G. S. 143-129 and adoption of a resolution to declare surplus and trade in 2 old Ford ambulance chassis toward 2 ambulance remounts.

BACKGROUND: Haywood County EMS has approval to purchase two ambulance remounts in the current budget year and has determined that Reliant Emergency Specialties, Inc. (d/b/a Grady Health System) had the lowest responsible, responsive bid out of 4 submitted bids. The other 3 bids came from Select Custom Apparatus, Inc., Northwestern Emergency Vehicles, Inc., and Southeastern Specialty Vehicles, Inc.

Also, 2 2008 Ford ambulance chassis from assets # 2694 & 2695 have a current $0 book value, are no longer of use and do not run. These chassis can be traded in for credit toward the purchase of 2 ambulance remounts.

IMPLEMENTATION PLAN: At approval, EMS will order two ambulance remounts for FY16 from Reliant Emergency Specialties, Inc.(d/b/a Grady Health System) for a total of $196,656.66 which includes the $6,000 trade-in of 2 old 2008 Ford ambulance chassis.

FINANCIAL IMPACT STATEMENT: Currently two ambulance remounts are included in the EMS budget.

SUPPORTING ATTACHMENTS: YES __X__ NO _____ HOW MANY? 7

LIST:
- 2 Ambulance Remounts RFB Bid Tabulation
- Reliant Emergency Specialties, Inc. Bid
- Asset 2694 & 2695-Ford ambulances
- N.C.G.S. 143-129 & 160A-265
- Resolution for Trade-In of 2 Amb Chassis
- EMS 2 Amb Remounts RFB Invitation FY16
- YTD Budget Report - EMS Capital Outlay

PowerPoint Presentation: YES _____ NO __X__

PERSON MAKING PRESENTATION AT MEETING: Jim Pressley
Haywood County EMS Director
PHONE NUMBER: 828-452-4770
E-MAIL: jpressley@haywoodnc.net

THIS SECTION FOR OFFICE USE ONLY

Received (Date/Time): _____
County Manager / Clerk to the Board Comments: _____

In an effort to save paper, attachments should be copied on both front and back sides.

Haywood County EMS
RFB-2 Emergency Medical Ambulance Remounts
Bid #07-01-2015
Formal Bid Tabulation (Page 1 of 2)

Tuesday, 7/21/15
4:00 PM
Haywood County Human Resources Conference Room

	COMPANY/CONTACT	SEALED PKG RECEIVED BEFORE DEADLINE?	PRICE QUOTED BID A: Ford F450 4x4 Chassis & Cab BID B: Dodge 4500 4x4 Chassis & Cab	BID BOND Y/N 5% Y/N Bond/check?	Anti-Collusion Form? Y/N	NOTES/EXCEPTIONS
1	**Reliant Emergency Specialties, Inc. d/b/a Grady Health System** 342 Chastain St SE, Atlanta GA 30316 Bill Compton, bcompton@gmh.edu 404-558-1620	Y	**BID A:** 2X 96,863.65= 193,767.30 *with $6,000 2 old chassis trade-in **BID B:** 2X 98,328.33= 196,656.66 *with $6,000 with 2 old chassis trade-in	Y Ck#6686701665 $9,832.83	Y	Price without trade-in is $199,767.30 *NOTE: price is with $6,000 trade-in of 2 old remounts Price without trade-in is $202,656.20 *NOTE: price is with $6,000 trade-in of 2 old remounts
2	**Select Custom Apparatus, Inc** PO Box AP, 6100 N Main St, Falkland NC 27827 Steve Burress, stephen.burress@selectcustomapparatus.com 800-326-3787; 252-757-3787, 252-813-6823	Y	**BID A:** 2X 107,301.21= 214,602.42 *with $1,000 2 old chassis trade-in **BID B:** 2X 107,301.21= 214,602.42 *with $1,000 2 old chassis trade-in	N	Y	Price without trade-in is $215,602.42 **No bid bond- DISQUALIFIED** Price without trade-in is $215,602.42
3	**Northwestern Emergency Vehicles, Inc** PO Box 790, Jefferson NC 28640 Richard Hamby, richard@nwev.com 800-536-8488	Y	**BID A:** 2 X 116,356 = 232,732 **BID B:** 2 X 117,642 = 235,284	Y Bond	Y	
4	**Southeastern Specialty Vehicles** 1250 Industrial Pkwy, West Jefferson NC 28694 Dennis Tingen, dennis.tingen@ssvsales.com 919-812-3049	Y	**BID A:** 2 X 109,140 = 218,280 **BID B:** 2 X 109,000 = 218,000	Y Ck#416158 $10,914.00	Y	

NOTE: Results to be submitted to BOCC for approval on Monday, 8/3/15

Witnesses:

Donna Corpening, Purchasing | **Julie Davis, Finance Officer** | **Jim Pressley, EMS Director**

Adrianna Warrington, EMS | **Ben Clawson, EMS** | **Travis Donaldson, EMS**

Haywood County EMS
RFB-2 Emergency Medical Ambulance Remounts
Bid #07-01-2015
Formal Bid Tabulation - (Page 2 of 2)

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5	**Atlantic Emergency Solutions** 525 Bynum St, Rogersville TN 37857 Gary Huff, ghuff@atlanticemergency.com		**BID A: *No bid*** 2X_____=_____ **BID B: *No bid*** 2X_____=_____			**No bid**
6	**Braun Custom Appliances** 1170 Production Dr, Van Wert OH 45891 Jarret Hammons, contactus@braunambulances.com		**BID A: *No bid*** 2X_____=_____ **BID B: *No bid*** 2X_____=_____			**No bid**
7			**BID A:** 2X_____=_____ **BID B:** 2X_____=_____			
8			**BID A:** 2X_____=_____ **BID B:** 2X_____=_____			

NOTE: Results to be submitted to BOCC for approval on Monday, 8/3/15

Witnesses:

Donna Corpening, Purchasing **Julie Davis, Finance Officer** **Jim Pressley, EMS Director**

Adrianna Warrington, EMS **Ben Clawson, EMS** **Travis Donaldson, EMS**

RESOLUTION
DECLARING 2 AMBULANCE CHASSIS SURPLUS
AND AUTHORIZING THE TRADE OF
2 SURPLUS AMBULANCE CHASSIS FOR 2 AMBULANCE REMOUNTS

WHEREAS, N.C.G.S. 160A-265 authorizes the Board of Commissioners of Haywood County to dispose of surplus property; and

WHEREAS, N.C.G.S. 143-129.7 allows bidders to purchase as trade-in, property owned by the county; and

WHEREAS, Haywood County has in its possession:

1 used ambulance chassis from 2008 Ford F-450 ambulance Vin # 0316, Asset 2694, purchased 6/13/08 with a current book value of $0
1 used ambulance chassis from 2008 Ford F-450 ambulance Vin # 1229, Asset 2695, purchased 6/13/08 with a current book value of $0

no longer of use by the county, and

WHEREAS, The Board of County Commissioners of Haywood County is authorized to declare surplus and adopt a resolution for this surplus of personal property; and

WHEREAS, Reliant Emergency Specialties agrees to accept these 2 surplus ambulance chassis as trade-ins toward the purchase of 2 ambulance remounts,

NOW, THEREFORE, BE IT RESOLVED that The Board of County Commissioners of Haywood County meeting in general session on Monday, August 3, 2015, does the following:

1. Hereby authorizes the Haywood County Purchasing Manager to declare surplus:

   1 used ambulance chassis from 2008 Ford F-450 ambulance Vin # 0316, Asset 2694, purchased 6/13/08 with a current book value of $0
   1 used ambulance chassis from 2008 Ford F-450 ambulance Vin # 1229, Asset 2695, purchased 6/13/08 with a current book value of $0

2. Agree to trade the above 2 2008 Ford ambulance chassis toward the purchase of 2 ambulance remounts.

ADOPTED this 3rd day of August, 2015.

_____
Mark S. Swanger, Chairman
Haywood County Board of Commissioners

ATTEST:

_____
Ira L. Dove, County Manager
Clerk to the Board of Commissioners

BID FORM

Bid B

BID NO. 07-01-2015

I, (We), the undersigned after reading and fully understanding the terms, conditions and specifications of Request for Bids No. 07-01-2015 agree to furnish a firm fixed price (excluding tax).

ITEM NO.	DESCRIPTION	COST
1.	Remount of (2) Ambulance Boxes onto New Chassis'	$ 202,656.20
2.	Trade in value of two (2) 2008 Ford F-450 4 X4 Chassis'	$ 6,000
2.	Tax	$ N/A
	GRAND TOTAL	$ 196,656.66

Delivery Date: Compliance with Delivery will begin after receipt of chassis for each remount. Chassis availability will determine project start date.

COMPANY NAME: Reliant Emergency Specialties
ADDRESS: 342 Chastain St. SE
CITY: Atlanta **STATE:** GA **ZIP CODE:** 30316
TELEPHONE: 404-326-8473 **FAX:** 404-616-7122
EMAIL ADDRESS: bcompton@gmh.edu
PRINT NAME: William Compton
AUTHORIZED SIGNATURE: [signature]

INVITATION FOR BIDS
EMERGENCY MEDICAL VEHICLE AMBULANCE REMOUNTS (2)
HAYWOOD COUNTY FINANCE DEPARTMENT
WAYNESVILLE, NC 28786

Pursuant to North Carolina General Statutes 143-129 as amended, Haywood County Purchasing will accept bids for an **Emergency Medical Vehicle Ambulance Remounts (2) until Tuesday, July 21, 2015 at 4 p.m.** in the **Finance Office, 215 N Main St, 4th Floor, Waynesville, NC 28786,** at which time we will publicly open. Interested parties may obtain complete specifications any time Monday through Friday from 8:00 a.m. until 4:00 p.m. from:

Jim Pressley, EMS Director
215 N. Main Street
C/H Annex
Waynesville, NC 28786
828-452-4770

Each proposal must meet the requirements of the proposal portion of the RFP, including a certified or cashier's check payable to the order of Haywood County Finance, or a satisfactory bid bond executed by the Bidder and a corporate surety licensed under the laws of the State of North Carolina to execute such bonds in an amount not less than 5% of the bid as required per instructions in the bid packet. Bids will be awarded to the lowest responsible bidder taking into consideration quality, performance and time specified in the bid for the performance of the contract. Delivery time-frame is to be within 150-180 days from bid award of initial. The County reserves the right to cancel the order if delivery is not made within 180 days. The County reserves the right to order additional quantities of the same type remount of an additional Wheeled Coach ambulance box, currently owned by Haywood County per the specifications within 12 months of the contract award at the same price. Haywood County reserves the right to reject any or all bids and waive any or all formalities.

Bidders shall seal envelopes containing proposals and mark all sides as follows:

"SEALED BID FOR NEW EMERGENCY MEDICAL VEHICLE AMBULANCE REMOUNTS
two (2)
DO NOT OPEN PRIOR TO 4:00 P.M.
Tuesday, July 21, 2015."

The Name and address of the bidder must be plainly marked on the outside of each envelope. Bids may be mailed or delivered attention to:

Donna Corpening, Purchasing
Haywood County Finance Office
215 N Main St, 4th Floor
Waynesville, NC 28786

Ira Dove
County Manager
215 N. Main Street
Waynesville, NC 28786

ASSET # 2694			MASTER ASSET			DESCRIPTION	2008 FORD F-450 4X4 XLT AMBULANCE		
CLASS	07	VEHICLES	FUND SOURCE						
SUBCL	AMB	AMBULANCES	ACQUIS METH	PO	PURCHASE	MAINT CONT	Y	INSURED	N
COMMODITY						VENDOR DESC	Vendor Name Mi	CARRIER	
DEPT	4370	EMERGENCY MEDIC	ACQUIS DATE		06/13/2008	TYPE	G	INSURED VAL	0.00
LOC CODE	642	ANNEX I	ACQUIS COST		111,082.23	EXPIRE DATE		EXPIRE DATE	
LOC MEMO			ACRES		0.000	ANNUAL COST	0.00	POLICY CST	0.00
ROOM			QTY	1		MEMO		MEMO	
STORAGE LOC			UNIT PRICE		0.00				
			PURCH MEMO						
STATUS	A	ACTIVE							
CONDITION	EX	EXCELLENT	SOY BOOK		0.00	DEPRECIATE	Y		
CUSTODIAN	JIM PRESSLEY		CURRENT BOOK		0.00	DEPREC PRIN	111,082.23		
TITLEHOLDER			EST SALVAGE		0.00	FIRST YR/PR	2008/12	LAST YR/PR	2012/11
			REPL COST		111,082.23	EST LIFE	4		
TAG # 99967S			LAST INVENT			PERIODS TAKEN	48		
SERIAL #	1FDXF47R78ED70316		IMPROVE MEMO			ACCUM DEPREC	111,082.23		
MANUFACTURER									
MODEL			RETIRE DATE						
MODEL YEAR			DISP CODE						
LICENSE #			DISP PRICE		0.00				
			SALE PRICE		0.00				

VEND #	PO #	DOCUMENT #	INVOICE #	INV DATE	INV AMT

G/L Accounts

TYPE	DESC	ORG	OBJ	PROJ	PERCENT
1	ASSET	120000	176000		100.00
2	CONTRA	120000	329117		100.00
5	DEPRECIATION EXPENSE	124370	546400		100.00
6	ACCUMULATED DEPRECIATION	120000	181000		100.00

PO Accounts

ORG	OBJ	PROJ	AMOUNT

ASSET # 2695			MASTER ASSET			DESCRIPTION	2008 FORD F-450 4X4 XLT AMBULANCE		
CLASS	07	VEHICLES	FUND SOURCE						
SUBCL	AMB	AMBULANCES	ACQUIS METH	PO	PURCHASE	MAINT CONT	Y	INSURED	N
COMMODITY						VENDOR DESC	Vendor Name Mi	CARRIER	
DEPT	4370	EMERGENCY MEDIC	ACQUIS DATE		06/13/2008	TYPE	G	INSURED VAL	0.00
LOC CODE	642	ANNEX I	ACQUIS COST		111,082.23	EXPIRE DATE		EXPIRE DATE	
LOC MEMO			ACRES		0.000	ANNUAL COST	0.00	POLICY CST	0.00
ROOM			QTY	1		MEMO		MEMO	
STORAGE LOC			UNIT PRICE		0.00				
			PURCH MEMO						
STATUS	A	ACTIVE							
CONDITION	EX	EXCELLENT	SOY BOOK		0.00	DEPRECIATE	Y		
CUSTODIAN	JIM PRESSLEY		CURRENT BOOK		0.00	DEPREC PRIN	111,082.23		
TITLEHOLDER			EST SALVAGE		0.00	FIRST YR/PR	2008/12	LAST YR/PR	2012/11
			REPL COST		111,082.23	EST LIFE	4		
TAG # 99968S			LAST INVENT			PERIODS TAKEN	48		
SERIAL #	1FDXF47R18ED81229		IMPROVE MEMO			ACCUM DEPREC	111,082.23		
MANUFACTURER									
MODEL			RETIRE DATE						
MODEL YEAR			DISP CODE						
LICENSE #			DISP PRICE		0.00				
			SALE PRICE		0.00				

VEND #	PO #	DOCUMENT #	INVOICE #	INV DATE	INV AMT

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PO Accounts

ORG	OBJ	PROJ	AMOUNT

FOR 2016 02

ACCOUNTS FOR: 11 GENERAL	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
114370 EMERGENCY MEDICAL SERVICES							
114370 551000 C/O-OFFICE FURN & EQ	1,000	0	1,000	.00	.00	1,000.00	.0%
114370 552100 C/O-DATA PROCESSING-	18,500	0	18,500	.00	.00	18,500.00	.0%
114370 554000 C/O-MOTOR VEHICLES	380,000	0	380,000	.00	.00	380,000.00	.0%
114370 555000 C/O-OTHER EQUIPMENT	7,500	0	7,500	.00	.00	7,500.00	.0%
TOTAL EMERGENCY MEDICAL SERVICES	407,000	0	407,000	.00	.00	407,000.00	.0%
TOTAL GENERAL	407,000	0	407,000	.00	.00	407,000.00	.0%
TOTAL EXPENSES	407,000	0	407,000	.00	.00	407,000.00	

§ 143-129. Procedure for letting of public contracts.

(a) Bidding Required. - No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than five hundred thousand dollars ($500,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars ($90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with; provided that The University of North Carolina and its constituent institutions may award contracts for construction or repair work that requires an estimated expenditure of less than five hundred thousand dollars ($500,000) without complying with the provisions of this section.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the manager, school superintendent, chief purchasing official, or other employee the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

(b) Advertisement and Letting of Contracts. - Where the contract is to be let by a board or governing body of the State government or of a State institution, proposals shall be invited by advertisement in a newspaper having general circulation in the State of North Carolina. Where the contract is to be let by a political subdivision of the State, proposals shall be invited by advertisement in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to this Article, shall be approved by the governing board of the political subdivision of the State at a regular meeting of the board.

The advertisements for bidders required by this section shall appear at a time where at least seven full days shall lapse between the date on which the notice appears and the date of the opening of bids. The advertisement shall: (i) state the time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had; (ii) state the time and place for opening of the proposals; and (iii) reserve to the board or governing body the right to reject any or all proposals.

Proposals may be rejected for any reason determined by the board or governing body to be in the best interest of the unit. However, the proposal shall not be rejected for the purpose of evading the provisions of this Article. No board or governing body of the State or political subdivision thereof may assume responsibility for construction or purchase contracts, or guarantee the payments of labor or materials therefor except under provisions of this Article.

All proposals shall be opened in public and the board or governing body shall award the contract to the lowest responsible bidder or bidders, taking into consideration quality, performance and the time specified in the proposals for the performance of the contract.

In the event the lowest responsible bids are in excess of the funds available for the project or purchase, the responsible board or governing body is authorized to enter into negotiations with the lowest responsible bidder above mentioned, making reasonable changes in the plans and specifications as may be necessary to bring the contract price within the funds available, and may award a contract to such bidder upon recommendation of the Department of Administration in the case of the State government or of a State institution or agency, or upon recommendation of the responsible commission, council or board in the case of a subdivision of the State, if such bidder will agree to perform the work or provide the apparatus, supplies, materials, or equipment at the negotiated price within the funds available therefor. If a contract cannot be let under the above conditions, the board or governing body is authorized to readvertise, as herein provided, after having made such changes in plans and specifications as may be necessary to bring the cost of the project or purchase within the funds available therefor. The procedure above specified may be repeated if necessary in order to secure an acceptable contract within the funds available therefor.

No proposal for construction or repair work may be considered or accepted by said board or governing body unless at the time of its filing the same shall be accompanied by a deposit with said board or governing body of cash, or a cashier's check, or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five percent (5%) of the proposal. In lieu of making the cash deposit as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make payment to the obligee upon said bond if the bidder fails to execute the contract in accordance with the bid bond. This deposit shall be retained if the successful bidder fails to execute the contract within 10 days after the award or fails to give satisfactory surety as required herein.

Bids shall be sealed and the opening of an envelope or package with knowledge that it contains a bid or the disclosure or exhibition of the contents of any bid by anyone without the permission of the bidder prior to the time set for opening in the invitation to bid shall constitute a Class 1 misdemeanor.

(c) Contract Execution and Security. - All contracts to which this section applies shall be executed in writing. The board or governing body shall require the person to whom the award of a contract for construction or repair work is made to furnish bond as required by Article 3 of Chapter 44A; or require a deposit of money, certified check or government securities for the full amount of said contract to secure the faithful performance of the terms of said contract and the payment of all sums due for labor and materials in a manner consistent with Article 3 of Chapter 44A; and the contract shall not be altered except by written agreement of the contractor and the board or governing body. The surety bond or deposit required herein shall be deposited with the board or governing body for which the work is to be performed. When a deposit, other than a surety bond, is made with the board or governing body, the board or governing body assumes all the liabilities, obligations and duties of a surety as provided in Article 3 of Chapter 44A to the extent of said deposit.

The owning agency or the Department of Administration, in contracts involving a State agency, and the owning agency or the governing board, in contracts involving a political subdivision of the State, may reject the bonds of any surety company against which there is pending any unsettled claim or complaint made by a State agency or the owning agency or governing board of any political subdivision of the State arising out of any contract under which State funds, in contracts with the State, or funds of political subdivisions of the State, in contracts with such political subdivision, were expended, provided such claim or complaint has been pending more than 180 days.

(d) Use of Unemployment Relief Labor. - Nothing in this section shall operate so as to require any public agency to enter into a contract which will prevent the use of unemployment relief labor paid for in whole or in part by appropriations or funds furnished by the State or federal government.

(e) Exceptions. - The requirements of this Article do not apply to:

(1) The purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment from: (i) the United States of America or any agency thereof; or (ii) any other government unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may designate any officer or employee of the State or political subdivision to enter a bid or bids in its behalf at any sale of apparatus, supplies, materials, equipment, or other property owned by: (i) the United States of America or any agency thereof; or (ii) any other governmental unit or agency thereof within the United States. The Secretary of Administration or the governing board of any political subdivision of the State may authorize the officer or employee to make any partial or down payment or payment in full that may be required by regulations of the governmental unit or agency disposing of the property.

(2) Cases of special emergency involving the health and safety of the people or their property.

(3) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies.

(4) Construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to this section.

(5) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.

(6) Purchases of apparatus, supplies, materials, or equipment when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. Notwithstanding any other provision of this section, the governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In the case of purchases by hospitals, in addition to the other exceptions in this subsection, the provisions of this Article shall not apply when: (i) a particular medical item or prosthetic appliance is needed; (ii) a particular product is ordered by an attending physician for his patients; (iii) additional products are needed to complete an ongoing job or task; (iv) products are purchased for "over-the-counter" resale; (v) a particular product is needed or desired for experimental, developmental, or research work; or (vi) equipment is already installed, connected, and in service under a lease or other agreement and the governing body of the hospital determines that the equipment should be purchased. The governing body of a hospital shall keep a record of all purchases made pursuant to this subdivision. These records are subject to public inspection.

(7) Purchases of information technology through contracts established by the State Office of Information Technology Services as provided in G.S. 147-33.82(b) and G.S. 147-33.92(b).

(8) Guaranteed energy savings contracts, which are governed by Article 3B of Chapter 143 of the General Statutes.

(9) Purchases from contracts established by the State or any agency of the State, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the State contract.

(9a) Purchases of apparatus, supplies, materials, or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the federal contract.

(10) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured, refabricated or demo apparatus, supplies, materials, or equipment are not included in the exception. A demo item is one that is used for demonstration and is sold by the manufacturer or retailer at a discount.

(11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1.

(12) (Repealed effective July 1, 2015) Build-to-suit capital leases with a private developer under G.S. 115C-532.

(f) Repealed by Session Laws 2001-328, s. 1, effective August 2, 2001.

(g) Waiver of Bidding for Previously Bid Contracts. - When the governing board of any political subdivision of the State, or the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

(1) The United States of America or any federal agency;

(2) The State of North Carolina or any agency or political subdivision of the State; or

(3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular contract or for all contracts under this subsection shall be approved by the governing board of the political subdivision. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

(h) Transportation Authority Purchases. - Notwithstanding any other provision of this section, any board or governing body of any regional public transportation authority, hereafter referred to as a "RPTA," created pursuant to Article 26 of Chapter 160A of the General Statutes, or a regional transportation authority, hereafter referred to as a "RTA," created pursuant to Article 27 of Chapter 160A of the General Statutes, may approve the entering into of any contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment without competitive bidding and without meeting the requirements of subsection (b) of this section if the following procurement by competitive proposal (Request for Proposal) method is followed.

The competitive proposal method of procurement is normally conducted with more than one source submitting an offer or proposal. Either a fixed price or cost reimbursement type contract is awarded. This method of procurement is generally used when conditions are not appropriate for the use of sealed bids. If this procurement method is used, all of the following requirements apply:

(1) Requests for proposals shall be publicized. All evaluation factors shall be identified along with their relative importance.

(2) Proposals shall be solicited from an adequate number of qualified sources.

(3) RPTAs or RTAs shall have a method in place for conducting technical evaluations of proposals received and selecting awardees, with the goal of promoting fairness and competition without requiring strict adherence to specifications or price in determining the most advantageous proposal.

(4) The award may be based upon initial proposals without further discussion or negotiation or, in the discretion of the evaluators, discussions or negotiations may be conducted either with all offerors or with those offerors determined to be within the competitive range, and one or more revised proposals or a best and final offer may be requested of all remaining offerors. The details and deficiencies of an offeror's proposal may not be disclosed to other offerors during any period of negotiation or discussion.

(5) The award shall be made to the responsible firm whose proposal is most advantageous to the RPTA's or the RTA's program with price and other factors considered.

The contents of the proposals shall not be public records until 14 days before the award of the contract.

The board or governing body of the RPTA or the RTA shall, at the regularly scheduled meeting, by formal motion make findings of fact that the procurement by competitive proposal (Request for Proposals) method of procuring the particular apparatus, supplies, materials, or equipment is the most appropriate acquisition method prior to the issuance of the requests for proposals and shall by formal motion certify that the requirements of this subsection have been followed before approving the contract.

Nothing in this subsection subjects a procurement by competitive proposal under this subsection to G.S. 143-49, 143-52, or 143-53.

RPTAs and RTAs may adopt regulations to implement this subsection.

(i) Procedure for Letting of Public Contracts. - The Department of Transportation ("DOT"), The University of North Carolina and its constituent institutions ("UNC"), and the Department of Administration ("DOA") shall monitor all projects in those agencies and institutions that are let without a performance or payment bond to determine the number of defaults on those projects, the cost to complete each defaulted project, and each project's contract price. Beginning March 1, 2011, and annually thereafter, DOT, UNC, and DOA shall report this information to the Joint Legislative Committee on Governmental Operations.

(j) [Use of E-Verify Required. -] No contract subject to this section may be awarded by any board or governing body of the State, institution of State government, or any political subdivision of the State unless the contractor and the contractor's subcontractors comply with the requirements of Article 2 of Chapter 64 of the General Statutes. (1931, c. 338, s. 1; 1933, c. 50; c. 400, s. 1; 1937, c. 355; 1945, c. 144; 1949, c. 257; 1951, c. 1104, ss. 1, 2; 1953, c. 1268; 1955, c. 1049; 1957, c. 269, s. 3; c. 391; c. 862, ss. 1-4; 1959, c. 392, s. 1; c. 910, s. 1; 1961, c. 1226; 1965, c. 841, s. 2; 1967, c. 860; 1971, c. 847; 1973, c. 1194, s. 2; 1975, c. 879, s. 46; 1977, c. 619, ss. 1, 2; 1979, c. 182, s. 1; 1979, 2nd Sess., c. 1081; 1981, c. 346, s. 1; c. 754, s. 1; 1985, c. 145, ss. 1, 2; 1987, c. 590; 1987 (Reg. Sess., 1988), c. 1108, ss. 7, 8; 1989, c. 350; 1993, c. 539, s. 1007; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 367, s. 6; 1997-174, ss. 1-4; 1998-185, s. 1; 1998-217, s. 16; 2001-328, s. 1; 2001-487, s. 88; 2001-496, ss. 4, 5; 2005-227, s. 1; 2006-232, s. 2; 2007-94, s. 1; 2007-322, s. 4; 2007-446, s. 6; 2010-148, s. 1.2; 2011-234, s. 1; 2013-418, s. 2(c).)

§ 160A-265. Use and disposal of property.

In the discretion of the council, a city may: (i) hold, use, change the use thereof to other uses, or (ii) sell or dispose of real and personal property, without regard to the method or purpose of its acquisition or to its intended or actual governmental or other prior use. (1981 (Reg. Sess., 1982), c. 1236.)