

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: November 7, 2005

SUBJECT: N.C.G.S. 143-129(g)
Newspaper Advertisement to Waive Bid Procedures
Resolution to Piggyback on Previously Bid Contract

ATTACHMENTS: Yes

SUMMARY OF REQUEST:

The Henderson County Sheriff's Department received a Federal Homeland Security Grant for Fiscal Year 2006 in the amount of \$163,987 for the specific purpose of purchasing equipment including a specialized Arson/Bomb Response Vehicle.

N.C.G.S 143-129, Procedure for Letting of Public Contracts, allows for the waiver of bidding for previously bid contracts and the purchase of this vehicle by the County if within the last 12 months either a federal agency, the State of North Carolina or agency or political subdivision of the State, or any other state or agency or political subdivision of that state has completed a public, formal bidding process.

The Sheriff's Department has identified another state agency that has formally bid out this vehicle and would ask the Board of Commissioners to consider adopting the attached resolution allowing the department to piggyback on this state agency's previously bid contract for this specialized vehicle.

Waiver of the bidding procedure was duly advertised in the Times-News on October 21, 2005, which meets the 10 day requirement before the Board can approve the resolution as required under this statute.

COUNTY MANAGER'S RECOMMENDATION:

It would be appropriate for the Board to approve the attached resolution to allow the Sheriff's Department to piggyback on another state agency's previously bid contract to purchase this specialized vehicle since the requirements of N.C.G.S. 143-129(g) have been met.

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.

(f) Repealed by Session Laws 2001-328, s. 1.

* (g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or the manager or purchasing official delegated authority 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, in a newspaper of general circulation in the area served by the governing body, that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. 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

Waiver to Bid Procedure

\$68.40

CERTIFICATION OF PUBLICATION

October 21, 2005

I, Jane Schoff, affirming the following under the penalties of perjury state:

I am employed by Times-News, a subsidiary of the New York Times Company. Times-News, a daily newspaper of general circulation printed and published in the city of Hendersonville, county of Henderson, and state of North Carolina. I hereby certify that the advertisement annexed hereto was published in the editions of The Times-News on the following date or dates:

10/21/05

And that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 21st day of October, 2005.

(Signed) Jane Schoff

Sworn to and subscribed before me, this 21st

Day of October, 2005.

Deborah H. Owen Notary Public

My Commission Expires March 1, 2006

Legals

NOTICE

HENDERSON COUNTY

WAIVER TO BID PROCEDURE

The Henderson County Board of Commissioners will be considering a resolution at their regularly scheduled meeting on November 7, 2005 at 5:30 p.m. for the waiver of bidding procedures on previously bid contracts pursuant to Section 143-129(g) of the North Carolina General Statutes in order to contract with a qualified supplier that has previously completed a public, formal bidding process within the last 12 months for the purchase of a specialized arson/bomb response vehicle.

James C. McLelland
Finance Director

(04569617) 10/21

First Copy - No Charge
Additional Copies - \$15 each

**RESOLUTION AUTHORIZING THE "PIGGYBACKING" ON A PURCHASE
AGREEMENT WITH THE HOUSTON-GALVESTON AREA COUNCIL OF
GOVERNMENTS FOR A SPECIALIZED ARSON/BOMB RESPONSE VEHICLE**

WHEREAS, The Henderson County Sheriff's Department would like to piggyback on a purchase agreement by the Houston-Galveston Area Council of Governments, for a specialized arson/bomb response vehicle in accordance with the provisions of North Carolina General Statute 143 -129(g); and

WHEREAS, The Henderson County Sheriff's Department has received a Homeland Security Grant in fiscal year 2006 in the amount of \$163,987 for the express purpose of purchasing equipment including this specialized vehicle; and

WHEREAS, the Henderson County Sheriff's Department has verified that the conditions of "piggybacking" on the original contract have been met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed in the Hendersonville Times-News on October 21, 2005; and

WHEREAS, the Board desires to authorize the piggybacking on the purchase agreement through the Houston-Galveston Area Council of Governments.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Henderson as follows:

1. That the Board authorizes the "piggyback" purchase of the specialized arson/bomb response vehicle through the Houston-Galveston Area Council of Governments with Philpott Motors for the sum of \$129,573.00.
2. That the Board authorizes the County Manager and Finance Director to issue a purchase order to Philpott Motors for the purchase of this specialized vehicle.
3. That this resolution shall be effective upon adoption. Adopted this 7th day of November, 2005.

ATTEST:

Henderson County Board of Commissioners

Clerk to the Board

By: _____
Chairman