

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1280*
Commerce Committee Substitute Adopted 7/22/98

Short Title: Transit Authy Purchasing Option.

(Public)

Sponsors:

Referred to:

May 27, 1998

A BILL TO BE ENTITLED

AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES, MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-129 is amended by adding a new subsection to read:

"(h) 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

1 when conditions are not appropriate for the use of sealed bids. If this procurement
2 method is used, all of the following requirements apply:

- 3 (1) Requests for proposals shall be publicized. All evaluation factors shall
4 be identified along with their relative importance.
- 5 (2) Proposals shall be solicited from an adequate number of qualified
6 sources.
- 7 (3) RPTAs or RTAs shall have a method in place for conducting technical
8 evaluations of proposals received and selecting awardees, with the goal
9 of promoting fairness and competition without requiring strict
10 adherence to specifications or price in determining the most
11 advantageous proposal.
- 12 (4) The award may be based upon initial proposals without further
13 discussion or negotiation or, in the discretion of the evaluators,
14 discussions or negotiations may be conducted either with all offerors or
15 with those offerors determined to be within the competitive range, and
16 one or more revised proposals or a best and final offer may be requested
17 of all remaining offerors. The details and deficiencies of an offeror's
18 proposal may not be disclosed to other offerors during any period of
19 negotiation or discussion.
- 20 (5) The award shall be made to the responsible firm whose proposal is most
21 advantageous to the RPTA's or the RTA's program with price and other
22 factors considered.

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

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

31 Nothing in this subsection subjects a procurement by competitive proposal under this
32 subsection to G.S. 143-49, 143-52, or 153-53.

33 RPTAs and RTAs may adopt regulations to implement this subsection."

34 Section 2. This act is effective when it becomes law.