

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1669*

Short Title: Mecklenburg Telecomm. Purchase.

(Local)

Sponsors: Senators Winner of Mecklenburg; Blackmon, Odom, and Richardson.

Referred to: Local Government and Regional Affairs.

June 2, 1994

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE COUNTY OF MECKLENBURG TO PURCHASE
2 TELECOMMUNICATIONS, DATA PROCESSING, AND DATA
3 COMMUNICATIONS EQUIPMENT, SUPPLIES, AND SERVICES ON A
4 REQUEST FOR PROPOSAL BASIS.
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6 The General Assembly of North Carolina enacts:

7 Section 1. (a) Because of the:

8 (1) Highly complex and innovative nature of telecommunications, data
9 processing, and data communications equipment, supplies, and
10 services; and

11 (2) Desirability of a single point of responsibility for the development of
12 contracts for products and services which include in their scope
13 combinations of design, installation, operation, management, and
14 service and maintenance responsibilities over prolonged periods of
15 time

16 in some instances it may be beneficial to a county to award a contract on the basis of
17 factors other than cost alone, including but not limited to, (i) system design, (ii)
18 operation experience, (iii) system reliability, (iv) long-term operational costs, (v)
19 compatibility with existing equipment, and (vi) emerging technology.

20 Therefore, notwithstanding the provisions of Article 8 of Chapter 143 of the
21 General Statutes, or any other general, special, or local law, a contract entered into
22 between a county and any person selected as a responsible proposer pursuant to this
23 section may be awarded, negotiated, and entered into in accordance with the following

1 provisions for the award of a contract based upon an evaluation of proposals submitted
2 in response to a request for proposals prepared by or for that county.

3 (b) This section establishes special procedures for the purchase and lease of
4 telecommunications, data processing, and data communications equipment, supplies,
5 and services, and applies only to those purchases and leases.

6 (c) A county shall give notice that it is requesting proposals as follows:

7 (1) By mailing notice of request for proposals a minimum of 10 days prior
8 to the time specified for opening of said proposal to suppliers
9 represented on the county's current relevant bid list; and

10 (2) By advertisement at least one week before the time specified for the
11 opening of said proposals in a newspaper having general circulation in
12 the county. The advertisement shall state the time and place where the
13 request for proposals may be had, and the time and place for opening
14 of said proposals, and shall reserve to the county the right to reject any
15 or all such proposals.

16 All proposals shall be opened in public. Proposals shall be sealed if the
17 invitation to propose so specifies.

18 (d) The county shall require in its request for proposals that each proposal to be
19 submitted:

20 (1) Shall include:

21 a. Information relating to the experience of the proposer on the
22 basis of which said proposer purports to be qualified to carry
23 out all work required by a proposed contract;

24 b. The ability of the proposer to secure adequate financing;

25 c. Proposals for project staffing, implementation of work tasks,
26 and the carrying out of all responsibilities required by a
27 proposed contract;

28 (2) Language clearly identifying and specifying all elements of cost which
29 would become charges to the county, in whichever form, in return for
30 the fulfillment by the proposer of all tasks and responsibilities
31 established by the request for the proposal for the full lifetime of a
32 proposed contract, including, as appropriate, but not limited to, (i) the
33 cost of purchase or lease of equipment, (ii) the cost of design,
34 installation, operation, management, and maintenance of any system,
35 and (iii) the cost of any services performed by the proposer; and

36 (3) Shall include such other information as the county may determine to
37 have a material bearing on its ability to evaluate any proposal in
38 accordance with this section.

39 The county may prescribe the form and content of such proposal and, in any
40 event, the proposer must submit sufficiently detailed information to permit a fair and
41 equitable evaluation of such proposal. The county may evaluate such proposals based
42 on one or more of the factors set forth above as the county determines to be appropriate.

43 (e) The county may make a contract award to any responsible proposer
44 selected pursuant to this section based on a determination that the selected proposal is

1 more responsive to the request for proposals and may thereupon negotiate a contract
2 with said proposer for the purchase and/or lease of equipment and performance of the
3 services set forth in the request for proposals and the response thereto. Such
4 determination is conclusive.

5 Sec. 2. This act applies to the County of Mecklenburg only.

6 Sec. 3. This act is effective upon ratification.