

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

H

1

HOUSE BILL 1493*

Short Title: Transit Authy Purchasing Option.

(Public)

Sponsors: Representative Miner.

Referred to: Transportation, if favorable, Judiciary I.

May 25, 1998

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE AN ALTERNATIVE PROCUREMENT BY COMPETITIVE
3 PROPOSAL PROCEDURE FOR THE PURCHASE OF APPARATUS, SUPPLIES,
4 MATERIALS, OR EQUIPMENT BY A REGIONAL PUBLIC TRANSPORTATION
5 AUTHORITY OR A REGIONAL TRANSPORTATION AUTHORITY.

6 The General Assembly of North Carolina enacts:

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

8 "(h) Notwithstanding any other provision of law, any board or governing body of
9 any regional public transportation authority, hereafter referred to as a "RPTA," created
10 pursuant to Article 26 of Chapter 160A of the General Statutes or a regional
11 transportation authority, hereafter referred to as a "RTA," created pursuant to Article 27
12 of Chapter 160A of the General Statutes may approve the entering into any contract for
13 the purchase, lease, or other acquisition of any apparatus, supplies, materials, or
14 equipment without competitive bidding and without meeting the requirements of
15 subsection (b) of this section if the following procurement by competitive proposal
16 (Request for Proposal) method, outlined in the United States Department of
17 Transportation, Federal Transit Administration, Circular FTA C 4220.1D (April 15,
18 1996) is followed.

19 The competitive proposal method of procurement is normally conducted with more
20 than one source submitting an offer or proposal. Either a fixed price or cost

1 reimbursement type contract is awarded. This method of procurement is generally used
2 when conditions are not appropriate for the use of sealed bids. If this procurement
3 method is used, all of the following requirements apply:

- 4 (1) Requests for proposals shall be publicized. All evaluation factors shall
5 be identified along with their relative importance.
- 6 (2) Proposals shall be solicited from an adequate number of qualified
7 sources.
- 8 (3) RPTAs or RTAs shall have a method in place for conducting technical
9 evaluations of proposals received and selecting awardees.
- 10 (4) Awards shall be made to the responsible firm whose proposal is most
11 advantageous to the RPTA's or the RTA's program with price and other
12 factors considered.

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

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

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