



Western Piedmont
Council of Governments

October 18, 2024

ADDENDUM #1

TO: ALL POTENTIAL SUBMITTERS

FROM: Curt Willis, WPCOG Emergency Management Planner

SUBJECT: Addendum #1 for RFP: Comprehensive Disaster Recovery, Financial and Grant Management Support, and Pre-Disaster Cost Recovery Planning Services

The following changes, revisions, additions, and/or clarifications to the plans and/or specifications are hereby made as part of the original documents:

1. Section B: "Qualifications of Personnel" lists the need for a Project Accountant, but the Cost Proposal Template does not contain a Project Accountant in the template. Will the Council please clarify if this position is required? **The templates are for guidance and should be modified to reflect your proposal for meeting the scope of work.**

2. Since the Council is utilizing the RFP initially published by the City of Asheville, does the Council plan to limit the page count to 25 pages, which did not include attachments, forms, and resumes? Resumes, however, can add significantly to the page count of a proposal. Will there be a page limitation for resumes, or do you prefer the consultant to submit no more than 2 resumes for each position identified in the Cost Proposal? **We have not seen the City of Asheville proposal but there is no page limit listed in our RFP.**

3.

Vendor Question				
Question #	RFP Section	RFP Page	Specific Language/Concern	Question/Clarification
1.	Cost Proposal	Page 10 - 11	General	Please confirm that Proposer's can edit the Cost Proposal if more space is needed for additional Labor Categories, etc.

The templates are for guidance and should be modified to reflect your proposal for meeting the scope of work.

4. Under A. Qualifications of the Firm on page 7, there is a statement that “The qualifications of the prime contracting firm must include, at minimum, the following:” We want to confirm that these qualifications can be supported as the whole prime team, including subs. **Yes. Qualifications can be aggregate.**

5. What systems does WPCOG currently use for financial systems? Are you currently able to track employee straight time and overtime accurately? **The WPCOG can track employee straight time and overtime but please remember that this RFP is for the WPCOG & up to 28 separate local governments that may or may not have this capability and use a variety of accounting software.**

6. Are you currently able to track usage of Force Account equipment and materials being used for response and recovery operations? **The WPCOG itself does not have any Force Account equipment but the local governments do and have a variety of usage tracking methods.**

7. Can the staff provided in the response be modified after the contract award? **Yes. Due to the size of our region and the variance in local government needs, we expect staff modifications once the selected proposer gets a better understanding of the needs for our region.**

8. Pursuant to the non-appropriation clause on RFP page 14, please confirm that WPCOG will not issue any work orders to Contractor without adequate funding and confirmation of the same. WPCOG shall issue work orders up to and not exceeding the funding secured. Please confirm, that Contractor will be paid for all work ordered by WPCOG and performed prior to WPCOG’s notice of termination due to the lack of funding. **Any authorized work by the WPCOG or local governments will be reimbursed**

9. Services listed for FEMA PA Advisory include regulatory, first and second appeals to FEMA, advising on FEMA’s policies and regulations, etc. Please confirm WPCOG’s understanding that professional’s services procured are strictly technical in nature and will not include, or be construed to include, legal advice. **This RFP is strictly for technical assistance and does not include legal advice.**

10. Confirm that the applicable version of the Western Piedmont Council of Governments’ Procurement, Purchasing and Contracting Policies is the one dated April 12, 2022 and found at https://www.wpcog.org/_files/ugd/960958_7c3fd62c95674f65a1a30c2cf230b7da.pdf? If not, please provide a copy of the applicable policies. **This link is not to the WPCOG Procurement, Purchasing and Contracting Policy. It is for a specific program under our purview. See attached documentation for our current procurement procedures and uniform guidelines.**

11. The Western Piedmont COG includes Burke County. Recently Burke County published an RFP for Disaster Recovery Management Services which includes similar services as the Western Piedmont RFP. Will Burke’s projects be managed under this RFP or are they expected to be excluded? **Burke County was initially onboard and may still be under this RFP, however there is some thoughts that they may have additional needs.**

12. Will the contract allow for a cash advance? **No. But reimbursements will be timely.**

13. What are the payment terms/timelines? **Invoices will go through the WPCOG on a monthly basis identified by each unit of local government, net 30.**

14. What insurance is required from subcontractors? **Insurance requirements are listed on page 15 of the RFP.**



**WESTERN PIEDMONT COUNCIL OF GOVERNMENTS
PURCHASING POLICY
Effective December 1, 2013**

I. ETHICAL CONDUCT

It is the policy of the Western Piedmont Council of Governments (WPCOG) that all business shall be in compliance with law and shall be conducted to the highest ethical standards. WPCOG employees are expressly prohibited from soliciting or accepting any rebate, money, costly entertainment, gift or gratuity (except mementos and novelties of nominal value) from any person, company, firm or corporation to which any purchase order or contract was, or might be awarded. The WPCOG will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interests of an employee and the interests of the WPCOG. Accordingly, the WPCOG may terminate, at no charge to the WPCOG, any purchase order or contract if it is found that gifts or gratuities were offered to a WPCOG employee.

II. COMPETITIVE PROCURMENT

It is the policy of the WPCOG to write specifications and to conduct procurement activities in such a way as to encourage competition whenever possible. In cases where procedures or specifications have the result of discouraging or precluding competition, the burden of proof shall rest with the Program Director or others to justify the need for such restrictive action.

III. EQUAL ACCESS

It is the policy of the WPCOG to provide equal access to all vendors desiring to conduct business with the WPCOG. The WPCOG actively seeks new vendors and new products to maintain competition and efficiency.

IV. EQUAL OPPORTUNITY

It is the policy of the WPCOG to prohibit discrimination against any person or business in pursuit of business opportunities on the basis of race, color, sex, religion, national origin, or geographic location and to conduct its contracting and purchasing programs so as to prevent such discrimination.

V. BUSINESS RELATIONS WITH VENDORS

It is the policy of the WPCOG to encourage desirable suppliers to compete for continuing orders and eliminate from consideration those vendors who persist in unsatisfactory performance. As part of the follow up and expediting process, programs have the responsibility to report unsatisfactory vendor performance to the Finance Office. If a vendor's manner of doing business causes problems for the WPCOG, then the WPCOG may disqualify him or her from trading with the WCPOG until such time as the vendor can demonstrate that the deficiencies have been corrected.

VI. MINIMUM PURCHASE ORDER REQUIREMENTS

- A. Any order for \$500 or more including shipping and handling, but exclusive of sales and use tax will require a purchase order except for the following:
 - 1. The purchase of routine services such as utilities, maintenance agreements, fuel and other items that do not require the program to request this service or item every time it is purchased.
 - 2. Professional services for maintenance and repair (i.e. equipment, buildings and vehicles).
 - 3. An emergency purchase in which the WPCOG is unable to wait one business day for the item.
- B. All invoices or requests for payment require approval by the program director prior to payment by the Finance Office.

VII. PURCHASE OF APPARATUS, SUPPLIES, MATERIAL AND EQUIPMENT

- A. All purchase order requests for items between \$500 and \$4,999.99 require the approval of the Program Director and the Finance Director before the item may be purchased. After all approvals have been obtained, the appropriate copies of the purchase order will be returned to the program director to be mailed, emailed or faxed to the vendor.
- B. All purchase order requests between \$5,000 and \$90,000 require the approval of the Program Director and both the Executive Director/Assistant Executive Director and Finance Director before the item may be purchased.
- C. Items up to \$4,999.99 may be procured at the best cost for the specific item needed. Items between \$5,000 and \$90,000 shall require a minimum of two informal bids or quotes attached to the submitted purchase order request. Fax, telephone, internet and email quotations are acceptable and must be documented and kept.
- D. For the purchase of items exceeding \$90,000, legal review and assistance shall be required.
- E. All purchases of computer hardware and software require the initial approval of the Information Technology Director prior to approval by the Finance Director and/or the Executive Director/Assistant Executive Director.
- G. Program Directors shall approve all purchase order requests. The purchase order request is then submitted for further approval(s) to the Finance Office (or the Information Technology Department first in the case of computer hardware or software).
- H. No purchase order, including confirming orders, is valid until approved by the Finance Director. Purchase orders without the required Program Director approval and/or incomplete purchase orders without required documentation attached will be returned to the requesting person and will not be processed further until all requirements have been met.
- I. Items found on N.C. State Term Contracts that meet the program's required specifications should be considered as a possible means to purchase the item. To review N.C. State Term Contracts, go to the N.C. Department of Administration website.
- J. Questions concerning the public bidding laws including the minority business participation program should be directed to the Finance Director and legal counsel.

VIII. CONSTRUCTION AND REPAIR PROJECTS

- A. All construction and/or repair projects in excess of \$100,000 shall require legal review and assistance prior to procurement of the work or service.
- B. For projects between \$5,000 and \$100,000, an informal bidding process can be used. A minimum of two informal bids or quotes shall be obtained. The Executive Director/Assistant Executive Director, prior to procurement of the work or service, must approve all construction and/or repair projects within this range.

- C. Construction or repair projects less than \$5,000 may be procured at the best cost for the work or service needed. The Finance Director, Executive Director or Assistant Executive Director, prior to procurement of the work or service, must approve all construction and/or repair projects within this range.

IX. ENVIRONMENTALLY PREFERABLE PRODUCTS

- A. The Finance Director shall ensure that the WPCOG purchases recycled and other environmentally preferable products whenever they meet cost and performance requirements.
- B. The WPCOG shall purchase recycled and other environmentally preferable products whenever practicable.
- C. The WPCOG shall require contractors and consultants to use recycled and other environmentally preferable products whenever practicable.
- D. “Environmentally Preferable Products” means products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or disposal of the product.
- E. “Recycled Products” are products manufactured with waste material that has been recovered or diverted from solid waste.
- F. When purchasing products, the WPCOG should consider total expense of the product including the initial price, lifecycle costs, and disposal costs.

§ 143-58.1. Unauthorized use of public purchase or contract procedures for private benefit. (a) It shall be unlawful for any person, by the use of the powers, policies or procedures described in this Article or established hereunder, to purchase, attempt to purchase, procure or attempt to procure any property or services for private use or benefit. (b) This prohibition shall not apply if: (1) The department, institution or agency through which the property or services are procured had theretofore established policies and procedures permitting such purchases or procurement by a class or classes of persons in order to provide for the mutual benefit of such persons and the department, institution or agency involved, or the public benefit or convenience; and (2) Such policies and procedures, including any reimbursement policies, are complied with by the person permitted thereunder to use the purchasing or procurement procedures described in this Article or established thereunder. (c) A violation of this section is a Class 1 misdemeanor. (1983, c. 409; 1993, c. 539, s. 1004; 1994, Ex. Sess., c. 24, s. 14(c).)

Uniform Guidance Procurement Policy For Western Piedmont Council of Governments

I. Purpose

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

II. Policy

- A. **Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. Western Piedmont Council of Governments will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should the Western Piedmont Council of Governments have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.
- D. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II.

- F. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. General Procurement Standards and Procedures:

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. **Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.
- D. **Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. **Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express

written permission of the federal agency or state pass-through agency that awarded the funds.

- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how the reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and “or equal” must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor’s responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing **\$250,000** or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained. Cost estimates for construction and repair contracts may be developed by the project designer.
- K. Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder’s list.
- M. Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.

- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for “or equal” products, or other unnecessary requirements that have the effect of restricting competition.
- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

IV. Specific Procurement Procedures

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:
1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$10,000 up to \$90,000** shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:
1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
 3. Cost or price analysis is not required prior to soliciting bids.
 4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
 5. Award the contract to the lowest responsive, responsible bidder.
- C. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound documented reasons."
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for "sound documented reasons."

D. Service Contracts (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance "competitive proposal" procedure (2 C.F.R. § 200.320(d)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an "adequate number" of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

F. Construction and repair contracts costing \$10,000 up to \$250,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

G. Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for “sound documented reasons.”

H. Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The governing board may reject and all bids only for “sound documented reasons.”

I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

J. Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.

2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

K. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.
4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

V. Exceptions

Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.
- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.