

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-54
SENATE BILL 675**

AN ACT AUTHORIZING THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO PURCHASE OR LEASE TELECOMMUNICATIONS, DATA PROCESSING AND DATA COMMUNICATIONS EQUIPMENT, SOFTWARE, SUPPLIES, AND SERVICES ON A REQUEST FOR PROPOSALS BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 8 of Chapter 143 of the General Statutes or any general, special, or local law, the City of Winston-Salem and Forsyth County may award contracts to purchase or lease telecommunications, data processing and data communications equipment, software, supplies, and services on a request for proposals basis. In evaluating proposals, the City and County may consider any relevant factors, including system design, system reliability, operational experience, operational costs, compatibility with existing systems and equipment, and emerging technology. All contracts and leases entered into pursuant to this act shall be approved and awarded by the governing body of the City or County.

SECTION 2. The City and County shall give notice that they are requesting proposals under this act in one of the following ways:

- (1) By mailing a notice of request for proposals to persons and companies on the City's or County's bid list at least 10 days before the time specified for the opening of proposals.
- (2) By posting a notice of request for proposals on the City's or County's Internet website or on the State's Internet website at least 10 days before the time specified for the opening of proposals.
- (3) By advertising in a newspaper having general circulation in the City or County, whichever is applicable, a notice of request for proposals at least one week before the time specified for the opening of proposals. The advertisement shall include the time and place where request for proposals may be obtained and the time and place for opening proposals.

Any notice given under this section shall reserve to the City or County the right to reject any or all proposals.

SECTION 3. The City and County may prescribe the form and content of proposals, and may require that proposals contain sufficiently detailed information to allow for an objective and fair evaluation of proposals using the factors stated in Section 1 of this act. Each proposal shall contain:

- (1) Information regarding any experience the proposer may have that qualifies him or her to perform the requirements of the proposal.
- (2) Information demonstrating the proposer's ability to secure financing needed to perform the requirements of the proposal.
- (3) Information demonstrating the proposer's ability to provide staffing, implement work tasks, and carry out all other responsibilities necessary to perform the requirements of the proposal.
- (4) Information clearly identifying and specifying all elements of cost of the proposal for the term of the proposed contract, including the cost of the purchase or lease of equipment and supplies, design, installation,

operation, management, and maintenance of any system, and any proposed services.

- (5) Any other information the City or County determines has a material bearing on its ability to evaluate the proposal as authorized in this act.

SECTION 4. At any point in the request for proposals process, the City and County may negotiate any proposal with any responsible proposer with regard to the factors stated in Section 1 of this act to determine which proposal is the most responsive. A determination of most responsive proposer by the City or County shall be final.

SECTION 5. The City and County may negotiate a contract price with the most responsive proposer for the purchase or lease of equipment, software, supplies, and the performance of services specified in the request for proposals. The City and County may enter into a contract with the most responsive proposer for the negotiated contract price. If the City or County is unable to successfully negotiate the terms of the proposal or contract price with the most responsive proposer, the City or County may proceed to negotiate, as provided in this section, with the person or company determined to be the next most responsive proposer.

SECTION 6. All proposals shall be sealed and shall be opened in public.

SECTION 7. This act applies only to the City of Winston-Salem and Forsyth County.

SECTION 8. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8th day of May, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives