

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 20, 2006

SUBJECT: Purchase of Sheriff's Department Vehicles

ATTACHMENTS: N.C.G.S. 143-129(g)
Newspaper Advertisement to Waive Bid Procedures
Draft Resolution to Piggyback on Previously Bid
Contract
Sheriff's Department Memorandum

SUMMARY OF REQUEST:

N.C.G.S 143-129, Procedure for Letting of Public Contracts, allows for the waiver of bidding for previously bid contracts and the purchase of equipment/vehicles by the County if within the last 12 months either a federal agency, the State of North Carolina or agency or political subdivision of the State, or any other state or agency or political subdivision of that state has completed a public, formal bidding process.

There is a ten day requirement to advertise a waiver of the bidding procedures under this statute before the Board can consider and approve such actions. This waiver was duly advertised in the Times-News on September 5, 2006.

The Sheriff's Department has identified that Wake County has formally bid out vehicles within the last month and would request the Board of Commissioners to consider adopting the attached resolution allowing the department to piggyback on Wake County's previously bid contract awarded to Ilderton Dodge in High Point, NC to purchase twenty-six (26) new patrol vehicles.

Attached is a copy of a Sheriff's Department Memorandum making the request and identifying the specific reasons to replace the 26 patrol vehicles scheduled this fiscal year to be taken out of the fleet with 2007 Dodge Chargers. Representatives from the Sheriff's Department will be available to answer questions from the Board.

COUNTY MANAGER'S RECOMMENDATION:

It would be appropriate for the Board to approve the attached resolution to allow the Sheriff's Department to piggyback on another county's previously bid contract to purchase the new patrol vehicles since the requirements of N.C.G.S. 143-129(g) have been met.

contract.

(10) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subdivision, remanufactured, refabricated or demo apparatus, supplies, materials, or equipment are not included in the exception. A demo item is one that is used for demonstration and is sold by the manufacturer or retailer at a discount.

(11) Contracts by a public entity with a construction manager at risk executed pursuant to G.S. 143-128.1.

(f) Repealed by Session Laws 2001-328, s. 1, effective August 2, 2001.

* (g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or the person to whom authority has been delegated under subsection (a) of this section, determines that it is in the best interest of the unit, the requirements of this section may be waived for the purchase of apparatus, supplies, materials, or equipment from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

(1) The United States of America or any federal agency;

(2) The State of North Carolina or any agency or political subdivision of the State;
or

(3) Any other state or any agency or political subdivision of that state, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency. Notwithstanding any other provision of this section, any purchase made under this subsection shall be approved by the governing body of the purchasing political subdivision of the State at a regularly scheduled meeting of the governing body no fewer than 10 days after publication of notice that a waiver of the bid procedure will be considered in order to contract with a qualified supplier pursuant to this section. Notice may be published in a newspaper having general circulation in the political subdivision or by electronic means, or both. A decision to publish notice solely by electronic means for a particular contract or for all contracts under this subsection shall be approved by the governing board of the political subdivision. Rules issued by the Secretary of Administration pursuant to G.S. 143-49(6) shall apply with respect to participation in State term contracts.

(h) Transportation Authority Purchases. – 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 when conditions are not appropriate for the use of sealed bids. If this procurement method is used, all of the following requirements

Henderson County Waiver of Bid Procedure

\$62.60

CERTIFICATION OF PUBLICATION

September 6, 2006

I, Jane Schoff, affirming the following under the penalties of perjury state:

I am employed by Times-News, a subsidiary of the New York Times Company. Times-News, a daily newspaper of general circulation printed and published in the city of Hendersonville, county of Henderson, and state of North Carolina. I hereby certify that the advertisement annexed hereto was published in the editions of The Times-News on the following date or dates:

9/5/06

And that the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This 6th day of September, 2006.

(Signed) Jane Schoff

Sworn to and subscribed before me, this 6th

Day of September, 2006.

Deborah H Owen Notary Public

Deborah H. Owen

My Commission Expires March 1, 2011

Legals

HENDERSON COUNTY WAIVER OF BID PROCEDURE

The Henderson County Board of Commissioners will be considering a resolution at their regularly scheduled meeting on September 20, 2006 at 9:00 a.m. for the waiver of bidding procedures on previously bid contracts pursuant to Section 143-129(g) of the North Carolina General Statutes in order to contract with a qualified supplier that has previously completed a public, formal bidding process within the last 12 months for the purchase of law enforcement vehicles for the County's fleet.

James C. McLelland
Finance Director

(04581809) 9/5

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DRAFT

RESOLUTION AUTHORIZING THE "PIGGYBACKING" ON A PURCHASE AGREEMENT WITH WAKE COUNTY, NORTH CAROLINA FOR LAW ENFORCEMENT PATROL VEHICLES

WHEREAS, The Henderson County Sheriff's Department would like to piggyback on a purchase agreement by Wake County, North Carolina for twenty-six (26) law enforcement patrol vehicles in accordance with the provisions of North Carolina General Statute 143 -129(g); and

WHEREAS, The Henderson County Sheriff's Department has verified that the cost to piggyback on the Wake County, North Carolina purchase agreement is less than what the vehicles can be purchased for locally; and

WHEREAS, the Henderson County Sheriff's Department has verified that the conditions of "piggybacking" on the original contract have been met; and

WHEREAS, a public notice of this purchase without competitive bidding was placed in the Hendersonville Times-News on September 5, 2006; and

WHEREAS, the Board desires to authorize the piggybacking on the purchase agreement through Wake County, North Carolina.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners for the County of Henderson as follows:

1. That the Board authorizes the "piggyback" purchase of twenty-six (26) 2007 Dodge Charger law enforcement patrol vehicles through Ilderton Dodge in High Point, North Carolina at a cost of \$22,486.45 per vehicle.
2. That the Board authorizes the County Manager and Finance Director to issue a purchase order to Ilderton Dodge for the purchase of the twenty-six (26) vehicles in the amount of \$584,647.70.
3. That this resolution shall be effective upon adoption. Adopted this 20th day of September, 2006.

ATTEST:

Henderson County Board of Commissioners

Elizabeth Corn, Clerk to the Board

By: _____
William L. Moyer, Chairman

Memorandum

To: Steve Wyatt, County Manager

From: Rick Davis, Support Services Captain

Date: 14 August 2006

Re: Law Enforcement Vehicles

Sir:

To improve service in our community we have examined the status of our vehicle fleet, and must make a few long term adjustments.

There are five principle reasons for these changes:

- 1) True Cost to Own - A smaller sticker price does not accurately reflect long term costs. Since Henderson County is now purchasing vehicles, depreciation, fuel, maintenance, repairs, etc., should all be calculated to determine how much the county will in fact spend over the period of owning any vehicle.
- 2) Training - Virtually all law enforcement officers are trained on rear wheel drive vehicles. Retraining all officers would be an enormous burden on our department.
- 3) Fleet Uniformity - Standardization of equipment (economy of scale) and its reutilization is of paramount importance concerning costs. Recently, Chevrolet substantially changed the dimensions of the Impala. This change forced the purchase all new protective cages, mounting brackets (sirens, radios and lights), interior consoles, etc. Ford Crown Victoria's, for example, have remained virtually unchanged for many years. Had our fleet consisted of Crown Victoria's we would not have been forced to make unforeseen, expensive changes.
- 4) Standardization in majority of State - Nearly all law enforcement agencies in NC look to the Highway Patrol regarding vehicles. Factors such as long term costs, safety, performance, adding police related equipment, etc., have all taken into account since they deal with such a volume of vehicles in wide ranging conditions. The Highway Patrol briefly experimented with Impalas, but ultimately decided it was an unacceptable platform.
- 5) Visibility - Of major concern in Henderson County is the visibility of marked patrol cars. Currently, striping, body style and paint scheme all combine to make our patrol cars almost invisible. It is essential that our department present a clearly professional, unmistakable appearance, which also has a deterrent effect on crime. A better design will achieve these goals.

The Sheriff's Office is due to have 29 vehicles (24 sedans & 5 SUVs) replaced this year. The vehicles required by these updated specifications cost more initially, and in order to realize long term savings, we should implement this plan as soon as possible. To offset costs this year we shall not request any SUVs and a total of 26 sedans (instead of 29) should be purchased.

We are committed to provide the highest level of service possible to the citizens of Henderson County, and it is my belief by addressing these issues longer-term, we will be able to provide exemplary service and reduce future costs.

CC: Justin Hembree
Carey McLelland