

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 513*
Committee Substitute Favorable 4/12/07

Short Title: Charlotte/Transit Procurements & Contracts.

(Local)

Sponsors:

Referred to:

March 7, 2007

A BILL TO BE ENTITLED

1
2 AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO
3 ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE
4 AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL
5 METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND
6 PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE
7 ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR
8 FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL
9 GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART
10 WITH FEDERAL FUNDS.

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** Section 8.87 of the Charter of the City of Charlotte, being S.L.
13 2000-26, as amended by S.L. 2000-61 and S.L. 2003-197, reads as rewritten:

14 "Section 8.87. Transit Procurements. (a) In addition to other authorized methods of
15 procurement, the City of Charlotte may contract for the purchase, lease, or other
16 acquisition of any apparatus, supplies, materials, or equipment for public transit
17 purposes using the competitive proposal method provided in G.S. 143-129(h). The City
18 Council may delegate to the City Manager, subject to any conditions or restrictions it
19 deems appropriate, the authority to make findings of fact that procurement by
20 competitive proposal is the most appropriate acquisition method prior to the issuance of
21 requests for proposals, as required by G.S. 143-29(h).

22 (b) The City of Charlotte may contract for the purchase, lease, or other
23 acquisition of any apparatus, supplies, materials, or equipment for public transit
24 purposes with any person or entity that, within the previous 60 months, after having
25 completed a public formal bid process substantially similar to that required by Article 8
26 of Chapter 143 of the General Statutes or through the competitive proposal method
27 provided in G.S. 143-129(h), has contracted to furnish the apparatus, supplies,
28 materials, or equipment to any unit or agency approved in G.S. 143-129(g) if the person
29 or entity is willing to furnish the items at the same or more favorable prices, terms, and

1 conditions as those provided under the contract with the other unit or agency. Any
2 purchase made under this section shall be approved by the City Council as provided in
3 G.S. 143-129(g).

4 (c) All contracts for the acquisition, construction, enlargement, improvement, or
5 maintenance of transit equipment or facilities shall be made pursuant to the laws of
6 North Carolina governing the making of like contracts. However, where the acquisition,
7 construction, improvement, enlargement, or maintenance of transit equipment or
8 facilities is financed wholly or partly with federal funds, the City may let contracts in
9 the manner prescribed by the federal authorities, acting under the laws of the United
10 States and any rules, regulations, or other directives made thereunder notwithstanding
11 any other State law to the contrary."

12 **SECTION 2.** This act is effective when it becomes law.