



**COUNTY OF DUPLIN
FINANCE AND PURCHASING
POLICIES AND PROCEDURES**

12/21/2020



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Introduction and General Information

This policies and procedures manual is designed to assist with the County of Duplin's finance processes. It is to be used as a guide that will allow departments to purchase supplies, apparatus, materials, equipment, and services according to County policies and North Carolina State Statutes. When used properly and with common sense, the policies and procedures established herein will enable the County to obtain needed materials, equipment, supplies, and services efficiently and economically.

The understanding and cooperation of all employees is essential if the County is to obtain the maximum value for each tax dollar spent. While this manual does not answer all questions related to purchasing, it does provide the foundation for a sound purchasing system.

The goals of the County's finance and purchasing program are:

- Comply with legal and ethical requirements of public purchasing and procurement
- Meet department requirements by obtaining maximum value for each dollar spent
- Maintain good business relationships and conduct fair and impartial business with all vendors
- Secure competitive prices on purchases and services whenever possible
- Provide County departments a uniform guide to procuring goods and services

If the policies and procedures established in this manual are followed, each department can efficiently manage, control, and plan available resources to meet present and future departmental needs and help the County meet these goals. If there are any questions pertaining to the policies and procedures in this manual, contact the Accounting Manager.

This manual will be reviewed and changed as necessary. As any changes occur, all departments will be supplied with an updated copy or new page insertion. Please notify the Accounting Manager with any comments or suggestions that may be taken into consideration for future changes.

The Duplin County Board of Commissioners has approved the policies contained in this manual. The governing body shall also approve any changes prior to becoming effective. Therefore, all departments are responsible for reading and complying with all policies and procedures contained within the manual.

Effective date: 7/1/2018

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Section 1-Vendor Selection and Set-Up

Vendors will be selected on a competitive basis. Departments should always use the lowest responsive, responsible bidder.

1.1 Vendor Requirements and Set-Up

All vendors will be required to provide the County a W-9 and EFT authorization form prior to a purchase order or payment being issued. Any vendor who is performing labor or services other than providing materials will be required to submit an e-verify affidavit. This form is available from the Accounting Manager. Necessary forms shall be submitted to the Accounting Manager in order to have a vendor number assigned.

It is the policy of the County not to conduct business with vendors or contractors who have been debarred by Federal, State, or Local Governments, or those who owe County, State, or Federal taxes. Prospective contractors and/or vendors may therefore be required to provide a Certificate of Taxes Due verifying no taxes are owed. A copy of this form can be found within the appendix to this policy.

1.2 Vendor Relationships

It is unlawful for vendors to give gifts or favors to County employees except under limited circumstances. Vendors subject to this prohibition include current vendors, any vendor with whom the County has conducted business within the past year, or a potential future vendor. As addressed in NCGS 133-32, exceptions to this prohibition include honorariums for participation in meetings, items of nominal value, and meals furnished at banquets. It is also unlawful for County employees to accept such gifts and favors.

Items of nominal value can include advertising items, inexpensive pens, mugs, calendars, etc. Although meals at a banquet are permissible, free meals offered by contractors, such as lunch, should be refused. It is important to distinguish between gifts to individuals and gifts to the County itself.

County employees and vendors are expected to comply with all applicable laws.

1.3 Conflicts of Interest

A criminal statute, NCGS 14-234, prohibits a public officer or public employee from deriving a direct benefit from any contract in which he or she is involved on behalf of the public agency he or she serves. Also, if a public official or employee is not involved in making a contract from which he or she will derive a direct benefit, the official or employee is prohibited from influencing or attempting to influence anyone in the agency who is involved in making the contract.

As defined in the statute, a person “derives a direct benefit” from a contract if the person *or his or her spouse* (1) has more than a 10 percent interest in the company that is party to the contract, (2) derives any income or commission directly from the contract, or (3) acquires property under the contract.

Any questions regarding conflicts of interest or gifts and favors should be directed to the County Attorney.



Section 2-Bidding Requirements, Processes, and Exceptions

2.1 Informal Bidding Requirements

Duplin County has chosen to exceed the state requirement of informal bidding limits. Therefore, it is County policy to obtain three informal quotes for materials, supplies, and apparatus in excess of \$5,000 per item. Three quotes/bids for repair/construction services must be obtained when the total repair including labor, parts, freight, sales tax etc. is in excess of \$30,000. Exceptions to this limit may be approved by the Finance Officer or County Manager.

State programs and grants may provide different limits. Therefore, departments with special funding are responsible for compliance with those guidelines.

Contracts funded with federal grant or loan funds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200). See Section 6 of this Policy for specific guidelines.

2.2 Formal Bidding Requirements

Per NCGS 143-129, the formal bidding process must be followed for the purchase of apparatus, supplies, materials, and equipment when the total amount is in excess of \$90,000. For construction or repair contracts, the formal bidding process must be followed when the total contract is in excess of \$500,000.

NCGS 143-133 prevents dividing a purchase to evade statutory bid requirements.

Formal Bidding Process

1. The requesting department will submit specifications to the Accounting Manager and/or County Manager, who will authorize the purchase. Generic specification sheets are available in the Finance Department.
2. The Accounting Manager or County Manager will review and make necessary changes. The IT Director will assist with any computer or technology purchases.
3. The requesting department is responsible for advertising the bid in a newspaper of general circulation or by electronic means. Electronic means must be first approved by the Board of County Commissioners. Advertisements must appear at a time where at least seven (7) full days must lapse between the date on which the notice appears and the date of the bid opening. The advertisement **must** include the following information:
 - a. The time and place where plans and specifications of proposed work or a complete description of the apparatus, supplies, materials, or equipment may be had;
 - b. The time and place for opening of the proposals; and
 - c. Reserve to the board or governing body the right to reject any and or all proposals.
4. Sealed bids are to be received and opened in public at the date and time specified in the advertisement and must be in paper form. Duplin County does not accept electronic formal bids at this time. Bids received after the specified time will not be considered. There is no minimum number of bids required for purchase contracts. If a formal construction contract does not receive at least three (3) bids on the first advertisement, the bids cannot be opened. A second advertisement must be made, and then any number of bids may be opened. Formal construction and repair contracts require a bid bond of at least five (5%) percent of the proposal at the time the bid is made.
5. The Accounting Manager will review bids to assure that minimum specifications are met and make a recommendation on the award of the contract to the lowest responsive responsible bidder.



6. The requesting department must get the purchase approved by the Board of County Commissioners and submit a requisition through the County's financial software to obtain a purchase order.
7. Any bids falling within the formal bidding statute under NCGS 143-129 must be in writing.

2.3 Bid Protest Procedures

Any vendor who is a prospective or actual bidder, offeror, or contractor that may be aggrieved by a solicitation for bid or an award of a bid, may submit a written complaint/protest within five (5) calendar days prior to the opening of the bid or within five calendar days after the award of the bid to the Finance Office at the following mailing address: PO Box 950 or physical address: 224 Seminary St, Kenansville, NC 28349. The protest must include:

1. Name, address, telephone number, e-mail address, and fax number of the protester
2. The bid of which the complaint/protest is being issued against;
3. A detailed statement providing the legal and factual grounds supporting the protest, to include copies of relevant documents;
4. Any supporting documents, exhibits, etc., to substantiate the protest;
5. Documentation that establishes that the protester is an interested party for the purpose of filing a protest;
6. The form of relief requested;
7. Evidence that the protester is authorized to do business in the State of North Carolina;
8. Evidence that the protester has all license(s) necessary to complete the work required in the specified project; and
9. Protest must be signed by the protester or authorized agent.

After careful considerations of all relevant information and consultation with the Finance Officer, the County Attorney shall make a written decision to the protester and shall provide such decision to the protester via certified mail.

2.4 Exceptions to Formal Bidding Requirements

Exceptions to formal bidding requirements are addressed in NCGS 143-129 (e)

- Purchases from other governmental agencies
- Cases of special emergency involving the health and safety of the people or their property
- Purchases made through a competitive bidding group purchasing program
- Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to NCGS 143-131
- Purchases of information technology through contracts established by the Department of Information Technology
- State Contract purchases
- Purchases from established Federal contracts if the contractor is willing to extend the same price to the County
- Purchase of used apparatus, supplies, materials, or equipment. Remanufactured, refabricated, or demo apparatus, supplies, materials, or equipment are not included. A demo item is one that is used for a demonstration and is sold by the manufacturer or retailer at a discount.



2.5 Sole Source

According to NCGS 143-129(e), when “performance or price competition for a product is not available, a needed product is available from only one source of supply, or standardization or compatibility is the overriding consideration, the governing board shall approve the purchases” prior to award of the contract.

2.6 Emergency Purchases

Planning for purchases should be done on both short-term and long-term basis, thereby minimizing small orders and last-minute purchases. However, emergency situations will always occur.

An emergency purchase is permitted at the discretion of the Department Head when any situation occurs after normal operating hours to protect the health and/or safety of County employees and the citizens of Duplin County and when normal purchasing procedures are impossible.

Any after-hours emergency purchase should be brought to the attention of the Accounting Manager the next business day. Procrastination or failure to plan for a purchase is not considered an emergency.

2.7 Federal Contracts

NCGS 143-129(e)(9a) allows for the purchase of apparatus, supplies, materials, or equipment from contracts established by the United States of America or any federal agency, if the contractor is willing to extend to a political subdivision of the State the same or more favorable prices, terms, and conditions as established in the federal contract.

2.8 Piggybacking Contracts

NCGS 143-129(g) authorizes local governments to purchase items within formal bidding limits without bidding as long as the following requirements are met:

- The formal bid process on the piggyback item must be substantially similar to North Carolina requirements
- The contract must have been awarded within the previous 12 months
- The vendor must be willing to extend the same or more favorable prices
- A public notice providing “waiver or bid procedure will be considered” must be placed in a general circulation newspaper (currently only the Duplin Times qualifies) at least 10 days prior to the commissioner’s meeting
- The governing board must give waiver of bid procedure approval at a regularly scheduled meeting

2.9 Vehicles and Heavy Equipment

On August 6, 2012 the Board of County Commissioners passed a motion requiring that all departments purchasing vehicles and heavy equipment seek bids from vendors located in Duplin County. It is not mandated that the item be purchased in the County but in-county vendors should be given the opportunity to compete with state contract and any cooperative purchasing group prices.



Section 3-Purchasing Procedures

3.1 Requisitions

All desired purchases in excess of \$500 must be sent to the Accounting Manager via a requisition submitted through the County's financial software. Upon receipt of the requisition, the Accounting Manager will issue a purchase order. The submitting department shall seek approval from the IT Department for all IT related purchases. The requesting department shall include all necessary backup documentation with the requisition, including quotes, emails, contracts, etc.

Requisitions must be approved by the Department Head or designee before being submitted to the Accounting Manager. If appropriate funds are not available to cover purchase, a budget amendment must be submitted to Finance prior to the submission of a purchase requisition.

3.2 Purchase Orders

Purchase orders are required for all purchases in excess of \$500 for budgeted funds in the fiscal year in which funds are to be dispersed. This allows all spent funds to meet the pre-audit requirement as addressed in the Local Budget and Fiscal Control Act and NCGS 159-28.

Any employee or officer who obligates County funds without a pre-audit certification signed by the Finance or designee may be held personally liable for those funds.

Purchase orders are available for viewing in Munis.

The following expenses are excluded from purchase order requirements regardless of amounts:

- Utilities
- Travel expenses
- Trust funds
- Disbursements of tax
- Refunds
- Payroll and Benefits

Blanket Purchase Orders

Departments may request blanket purchase orders issued to vendors with whom they conduct business often. Examples for blanket purchase orders include items being purchased under a term contract (prices good for a specified term), miscellaneous repair supplies/hardware, food items, etc. Departments are responsible for keeping up with the balance left on a blanket purchase order. If the funds on the purchase order are exhausted, a new blanket purchase order must be requested.

When a blanket purchase order is used, employees are responsible for telling the vendor the PO number and their name. Invoices must be turned into Accounts Payable weekly for payment.



One Time Purchase Orders

After a purchase order has been issued, the order may be placed. Departments who place orders are responsible for verifying that all items are received according to what the vendor invoices for. If there are any discrepancies, the vendor must be notified immediately.

3.3 Central Inventory

Central inventory is maintained by Accounting Manager for fuel and the County Garage for vehicle supplies/repairs. Any items needed from central inventory will be issued and charged to the department on a monthly basis.

3.4 Fuel Procurement Cards

Fuel procurement cards are to be used for the procurement of gasoline and diesel fuel for all County owned vehicles only. The Accounting Manager serves as the Program Administrator of fuel cards and is responsible for communicating with the card vendor regarding the names of those who will be authorized to use the cards, issue cards, and monthly billing.

Fuel cards are assigned to each vehicle with the exception of the Sheriff's Office vehicles. Sheriff's Office employees have fuel cards issued to each individual employee. Employees are responsible for maintaining security of fuel cards at all times, and reporting a lost or stolen card immediately.

Fuel should be obtained from County owned fuel tanks when possible. When necessary, fuel cards are accepted at most fuel stations. At the time of the transaction, an accurate odometer reading, PIN (employee number), and vehicle number must be entered. Some sites require a 6 digit PIN resulting in the need of entering a PIN with leading zeros. For example, an employee number of 1234 must be entered as 001234. An employee number of 12345 must be entered as 012345.

Department Heads or designees are responsible for communicating with the Program Administrator for new employees to be added as a user or when employees need to be removed as users from the fuel procurement program.

Fuel should only be dispensed into County owned vehicles or equipment. Fueling of personal vehicles is strictly prohibited. Violating employees will be turned over to their department director for appropriate disciplinary action up to and including termination of employment.



Section 4-Procedures

4.1 General Ledger

The following standard codes are used by most departments. If an item is needed that does not fall within one of these codes, additional codes may be established for specific needs.

Code	Description	Uses
-41990	Professional Services	Services provided by non-county personnel. Ex: consultants, temp employees, contract employees, doctors
-42100	Housekeeping Supplies	Rugs, soap, tissue paper, paper towels, cleaning supplies
-42120	Uniforms	Shirts, pants, shoes, hats, badges, belts
-42490	Vehicle Supplies	Lettering, 3% tax/tag fee, vehicle keys, car wash
-42500	Fuel	Fuel used in County vehicles
-42600	Office Supplies	Supplies that make every office functional—pens, paper, tape, scissors, paper clips, stapler folders, etc.
-42980	Program Supplies	Items not used in every office and are specific to departmental service being provided
-43110	Travel	Meals, hotel, mileage, registration, parking
-43210	Telephone	Telephone, internet
-43250	Postage	Shipping and handling, freight
-43510	Building/Grounds Repairs	Pest control, mowing, painting, carpet (supplies and labor)
-43520	Equipment Repairs	Replacement parts and associated labor
-43530	Vehicle Repairs	Repairs/maintenance, oil changes, tires
-43910	Advertising	Job listings, meetings advertisement
-44300	Rent	Rent or lease of object owned by another party for County use—copier, fax, office space
-44910	Dues/Subscriptions	Membership dues, notary, newspaper subscriptions
-45100	Capital Outlay	Any one item with all associated costs (installation, shipping) over \$5,000.00 per item.

4.2 General Ledger Maintenance/Budget Amendments

If a new code is needed by a department, the requesting department shall send notification to the Accounting Manager. All budget amendments shall be placed on the County’s budget amendment form and sent to the Accounting Manager. All budget amendments in excess of \$10,000 are to be approved by the Board of County Commissioners. All amendments involving new revenue are to be presented to the Board of Commissioners by the receiving department.



Section 5-Assets and Surplus Property

5.1 Fixed Assets/Capital Items

The Finance Department maintains a list of all capital items purchased by the County. This list is used for accountability of assets, insurance coverage, audits, and depreciation. For accounting purposes, assets are defined as items of tangible property, both real and personal. Property with a value of more than \$5,000 is to be defined as capital.

5.2 Surplus Property Disposal Process

Disposal of items that are not deemed as a fixed asset is at discretion of the Department Head. However, Department heads do not have the authority to dispose of fixed assets. Therefore, the following process is to be followed when an asset is deemed no longer usable.

Requesting department:

1. Determine item(s) no longer needed
2. Memo/e-mail to County Manager with the following information included:
 - a. Item no longer needed
 - b. County tag number for the item or the vehicle make, model, and VIN
 - c. Working condition of the item
 - d. Deadline for item to be removed from the department or date the vehicle is to be delivered to the County Garage (after coordinating with Garage staff), and
 - e. Request that the item(s) be declared surplus or transferred to another department (specify department)

County Manager:

1. Confirm item is no longer needed or needed in another department. Confer with Garage regarding condition of vehicles. Mass e-mail will be sent to department heads to determine interest.
 - a. If transferring a vehicle to another department, Garage and Finance must be notified
 - b. If transferring capital asset to another department, Finance must be notified
2. Return notice to department of approval for items submitted for surplus
 - a. Forward notice to Finance for removal of capital items and/or insurance
 - b. Forward notice to IT for sale of items on GovDeals
 - c. Forward notice to Garage for item to be moved to another department or placed out of service
 - d. Forward notice to department receiving item

Finance:

1. Confirm item and tag number to asset list and/or vehicle title
2. Remove item/vehicle from insurance and asset inventory list



Section 6-Uniform Guidance for Federal Funds

The purpose of this section is to establish guidelines that meet or exceed the procurement requirements specifically for purchase 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. 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. This requirement applies to the receiving agency and any sub-recipient.

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.

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.

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.

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.

6.1 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 Accounting Manager 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 to 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 \$150,000 or more, the Accounting Manager 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 provide proposed contracts or request for a written contract to the County Attorney advising the County Attorney that federal funds are implicated so that the provisions referenced in Section II.C of this Policy can be incorporated.
- 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.



6.2 Specific Procurement Procedures

Either the Accounting Manager 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 (7) 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.”
 7. Contract must be in writing and include Uniform Guidance provisions. Contract must be approved by County Attorney prior to execution by County.



- 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)) **use only 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.
 7. Award the contract on a fixed-price or cost-reimbursement basis.
 8. Contract must be in writing and include Uniform Guidance provisions. Contract must be approved by County Attorney prior to execution by County.
- 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.
 6. Contract must be in writing and include all applicable Uniform Guidance contract provisions. Contract must be approved by County Attorney prior to execution by County.
- 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. Any and all bids may be rejected only for “sound documented reasons.”
9. Contract must be in writing and include all applicable Uniform Guidance contract provisions. Contract must be approved by County Attorney prior to execution by County.
10. Document procurement procedures.

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.”
9. Contract must be in writing and include all applicable Uniform Guidance contract provisions. Contract must be approved by County Attorney prior to execution by County.
10. Document procurement procedures.



- 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).
 4. Contract must be in writing and include all applicable Uniform Guidance contract provisions. Contract must be approved by County Attorney prior to execution by County.
 5. Document procurement procedures.
- 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 Accounting Manager 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.
 7. Contract must be in writing and include all applicable Uniform Guidance contract provisions. Contract must be approved by County Attorney prior to execution by County.
 8. NOTE: The authority to exempt contracts costing less than \$50,000 under N.C. Gen. Stat. §143-64.32 is not allowed under the Uniform Guidance.
- 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. Publicly 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 successful, 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.
11. Contract must be in writing and include all applicable Uniform Guidance contract provisions. Contract must be approved by County Attorney prior to execution by County.
12. State licensure requirements apply.

6.3 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 Accounting Manager 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.

6.4 Gifts and Conflicts of Interest

This policy applies when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects funded in part or whole with federal financial assistance (direct or reimbursed). This policy also applies to any sub-recipient of the funds.

The employee responsible for managing the federal financial assistance award shall review the notice of award to identify any additional conflicts of interest prohibitions or requirements associated with the award, and shall notify all employees, officers, and agents, including sub-recipients, of the requirements of this policy and any additional prohibitions or requirements.



In addition to the prohibition against self-benefiting from a public contract under N.C. Gen. Stat. §14-234, no officer, employee, or agent of the County may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

- the employee, officer, or agent involved in the selection, award, or administration of a contract;
- any member of his or her immediate family;
- his or her partner; or
- an organization which employs or is about to employ any of these parties.

Any officer, employee, or agent with an actual, apparent, or potential conflict of interest as defined in this policy shall report the conflict to his or her immediate supervisor. Any such conflict shall be disclosed in writing to the federal award agency or pass-through entity in accordance with applicable Federal awarding agency policy.

In addition to the prohibition against accepting gifts and favors from vendors and contractors under N.C. Gen. Stat. §133-32, officers, employees, and agents of the County are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts.

Items of nominal value that fall into one of the following categories may be accepted:

- promotional items;
- honorariums for participation in meetings; or
- meals furnished at banquets

Any officer, employee or agent who knowingly accepts an item of nominal value allowed under this policy shall report the item to his or her immediate supervisor.



Section 7-Procurement Cards

The purpose of the County's Procurement Card Program is to simplify procurement and payment processes for low dollar goods and services. The program is designed to provide a flexible and convenient way for County departments to conduct business transactions. The procurement card (p-card) can simplify and expedite procurement for a telephone or internet order. P-cards provide departments a way to handle emergency needs, and immediate access to needed goods. Also, the consolidation of all procurement card purchases into one invoice simplifies check writing.

7.1 General Information

The p-card is a VISA administered program through Bank of America. Paying for purchases using a p-card is governed by N.C. Gen. Stat. § 159-28(d). A participant in the Program, whose name appears on the card, is responsible for protecting the card and is accountable for all purchases made using the card number. Failure of the cardholder to comply with the policies and procedures associated with the card will result in the loss of the card. P-cards are to be used for County transactions only. Any misuse of the card may result in disciplinary action for unacceptable personal conduct. In addition, misuse may qualify for criminal prosecution.

Although p-cards are issued in the employee's name, through Bank of America, personal credit history is not a factor. The use of the p-card will not affect personal credit. P-cards may be used for any allowable expenses up to the monthly and transaction limits, set by the Department Head and County Manager.

The Cardholder, Department Head/Reviewing Supervisor, and the Program Administrator are responsible for the integrity and accuracy of the card purchases. It is their responsibility to maintain adequate records to document the goods purchased, the business purpose served by the purchase, and to account for the purchase correctly in the County's general ledger.

7.2 Individual Responsibilities

Cardholder Responsibilities

- Immediately upon receipt of the card, verify information embossed on the card is correct. Sign the back of the card. Call the bank to activate the card.
- Ensure security of card at all times.
- Determine appropriate usage of the card.
- Do not split transactions to bypass the single transaction dollar limit.
- Do not lend the card to another person.
- Cardholder is responsible for all transactions on the card.
- Prepare the Reconciliation form monthly after receipt of statement.
- Send reconciliation form to the Department Head/Supervisor in a timely manner to ensure Program Administrator receives packet by the deadline. Deadline will be established at a later date by Finance Office Memorandum.
- Obtain and keep original receipts for all transactions on p-card.

Department Head/Supervisor Responsibilities

- Review cardholder reconciliation form monthly to ensure proper usage of card, correct general ledger account numbers, and compliance with the p-card policy.



- Approve/request cards by sending New Cardholder Authorization form to Program Administrator to request new Cardholder.
- Sign and date the Reconciliation form and send to the Program Administrator by the monthly deadline.
- Take possession of a card upon termination, resignation or retirement of a cardholder. Complete the “P-card destruction notice” and turn card along with form in to Program Administrator.

Program Administrator Responsibilities

- Oversee the Program.
- Set up new cardholders when requested by Department Head via New Cardholder Authorization form.
- Maintain accurate records of all cardholders.
- Receive, reconcile, and audit transactions as needed or on a monthly basis prior to due date of payment.
- Forward statements to Finance for payment.

Finance Department Responsibilities

- Ensure payment is sent to Bank by statement deadline.
- Perform random audits of p-cards to ensure integrity and accuracy of transactions.
- Maintain records of payment.

7.3 How to Obtain a New P-Card

Department Heads will determine appropriate p-card holders. Department Head will provide requested cardholder a copy of the Procurement Card Policy and Procedures. Department Head will submit a New Cardholder Authorization Form to the Program Administrator. The Program Administrator will contact the Bank and order a new card. All p-card holders must review this Policy and sign a statement acknowledging receipt of same.

7.4 Processing Receipts for Payment

Cardholders are to sign off on transactions via Bank of America Works weekly by the given deadline. Cardholders should also turn in receipts weekly via Works online. Cardholders should keep copies of all receipts turned in via Works and submit originals to the Program Administrator by the monthly deadline.

If a receipt was lost or not obtained, a p-card missing receipt affidavit must be filled out immediately and turned in to the Program Administrator prior to monthly reconciliation deadline.

7.5 Audits

All transactions are subject to random audits. Audits will be performed periodically by the Program Administrator and Finance Department.

7.6 Lost/Stolen Card

In the event a p-card is lost or stolen, the Cardholder, must immediately notify their supervisor or Department Head, the Program Administrator and the bank.

7.7 Allowable/Non-allowable expenses

Allowable P-Card Expenses

- Travel expenses excluding meals (hotel, airfare, car rental, parking, etc.)
- Office supplies
- Computer supplies (must be approved by IT before purchase. Attach IT's written approval to p-card statement)
- Membership dues
- Advertising
- Required licensures
- Webinars/Teleconferences
- Registration fees

Non-Allowable P-Card Expenses

- Alcohol or tobacco products
- Meals associated with overnight travel
- Cash or cash advances
- Cell phones or plans
- Contractual services
- Insurance
- Capital items
- Fuel (use Wex cards)

7.8 Merchant Category Codes

Merchant Category Codes (MCCs) define a vendor's merchant category. Allowable MCCs are set up by the Program Administrator. If a transaction is attempted at a merchant with a blocked MCC (ex. Jewelry Store), the transaction will be declined. The Program Administrator has made an effort to ensure that vendors used for normal business transaction are not restricted. If the Cardholder comes across a blocked vendor they feel should be reviewed contact the Program Administrator. Any blocked MCC charges will be sent to the Department Head for review to determine if any disciplinary action is warranted.

7.9 Disciplinary Action

The Accounting Manager will notify the Department Head and employee when an employee fails to follow the procedures set forth in this policy. The finance office reserves the right to suspend any employee's purchasing card privileges at any time to minimize the liability to the County for misuse or violation of the County purchasing card policy.



New Cardholder Authorization

I, _____ (employee/cardholder name) hereby acknowledge being issued a Procurement Card. As the holder of this card, I agree to comply with the following terms and conditions:

- I understand that I am being entrusted with property of the County of Duplin as a County employee by being issued a procurement card with which I will be making financial commitments on behalf of the County.
- I understand that I am the only authorized card holder and no other person is authorized to use my card.
- I understand that the County is liable to Bank of America for all charges made on the card.
- I agree to use this card for approved purchases only. I understand that any misuse of the card may result in disciplinary action up to and including termination.
- I understand that any misuse of this card may result in criminal prosecution.
- I agree that if I misuse this card it will result in the loss of cardholder privileges.
- I have been given a copy of the Procurement Card Policy and Procedures and understand the requirements for card use.
- I agree to return the card immediately upon request of my Department Head or the Program Administrator and upon separation from employment.
- I agree to return the card if I am transferred to another department.
- If the card is lost or stolen, I agree to immediately contact Bank of America, my Department Head, and the Program Administrator.
- I am aware of my responsibility for reporting any misuse of the card.
- I understand that the issuance of this card does not affect my personal credit.

TO BE COMPLETED BY DEPARTMENT HEAD ONLY: Monthly dollar limit requested _____
 Transactions will be approved by (check only one) _____self _____other (If other, list the name of individual responsible for approval of transactions in Works) _____
 Employee e-mail address _____ Employee number _____

EMPLOYEE SIGNATURE

DATE

DEPARTMENT HEAD SIGNATURE

DATE

DEPARTMENT HEAD/SUPERVISOR—After approval, provide cardholder with a copy of the County’s Finance Policies and Procedures. Forward New Cardholder Authorization Form to Program Administrator for issuance of new card.

CC: Personnel File
Procurement Card Program Administrator

Date received by Program Administrator _____
Date card received and sent to cardholder _____



P-Card Missing Receipt Affidavit

Transactions lacking the required information or documentation will be returned to the authorized signer for details. Please read the instructions below.

- Attached is a copy or fax of the receipt

-OR-

- I certify that I have contacted the merchant and was unable to obtain a copy of the receipt. Therefore, I have attached the following:
 - A copy of the packing slip
 - An invoice that confirms items and pricing

-OR-

- I certify that I have made every effort possible to obtain a receipt/packing slip/invoice and have been unsuccessful. I have attached an itemized list of the transaction.

I certify that the detailed expense described above on my p-card was lost or not obtained and that this expense has not been submitted for payment as of the date of the signature below.

Vendor _____

Amount _____

Date of Transaction _____

Signature of Cardholder _____ Date _____

Department Head Signature _____ Date _____

Program Administrator Signature _____ Date _____



P-Card Destruction Notice

Cardholder name

Account number

I certify that the above mentioned card is no longer needed and is to be immediately destroyed.

Authorized signature _____

Date _____

Forward this form along with card to Program Administrator for destruction of card.

To be completed by Program Administrator:

I certify that the above-mentioned card has been destroyed on _____ (date).

Signature _____

Date _____

Witness _____

Date _____



P-card Reconciliation Form

Last four digits of card #		Department	
Cardholder name		Billing period start & end date	

Total on statement	
Total receipts enclosed	
Difference*	

*If this amount is anything other than \$0, fill out Missing Receipt Affidavit Form

Purchase orders to be reduced or deleted:			
	Delete	or	Reduce by:
PO number _____	_____		\$ _____
PO number _____	_____		_____
PO number _____	_____		_____
PO number _____	_____		_____
PO number _____	_____		_____
PO number _____	_____		_____

Cardholder Signature _____ Date _____

Department Head _____ Date _____

This form, p-card statement, and receipts make up your p-card packet. Send completed packet to Program Administrator by the given monthly deadline. All p-cards are subject to audit at any time.



County of Duplin Change Order

Vendor/Contractor: _____

Purchase Order: _____

Description of Project:

Initiation Date: _____

Justification for Change Order:

Not valid until signed by both the County and the Vendor/Contractor. Signature of the Vendor/Contractor indicates their agreement herewith, including any adjustment in the contract sum or contract time.

Original contract cost	\$
Net change by previous change orders	\$
Contract amount prior to this change order	\$
Contract cost will be increased/decreased by this change order	\$
New contract cost including this change order	\$

The work described above shall increase/decrease the contract time by _____ days.
(Circle increase or decrease and insert number of days)

These changes and the work affected hereby are subject to all terms and conditions of the original contract. Contractor must sign Prior to the County.

Vendor/Contractor Acceptance:

_____ (Signature) Date _____

_____ (Title)

County of Duplin Acceptance:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____ Date _____

Finance Officer

_____ Date _____

County Manager



Mini-Brooks Act Exemption

G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee.

G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000. The exemption must be in writing and must exempt particular projects.

On November 19, 2018 the Duplin County Board of Commissioners gave authority to the County Manager to exempt the County from qualification-based selection for design services where estimated fees are less than \$50,000.

_____ (Department) wishes to have design services performed for an estimated fee of \$_____.

The design services include:

-

Therefore, on behalf of Duplin County, I, _____ (County Manager) declare this particular design service project exempt from qualifications-based selection.

Signature

Date



Vendor Certification-No Overdue Tax Debts

_____(entity name)
_____(address)

To: County of Duplin

Certification:

We certify that _____ (name of organization) does not have any overdue tax debts, as defined by N.C.G.S. 105-243.1, at the federal, State, or local level. We further understand that any person who makes a false statement in violation of N.C.G.S. 143C-6-23(c) is guilty of a criminal offense punishable as provided by N.C.G.S.) 143C-10-1b.

Sworn Statement:

_____(name of authorizing official), being duly sworn, says that we are the authorized official of _____(name of organization) of _____(city) in the State of _____(state); and that the foregoing certification is true, accurate, and complete to the best of our knowledge and was made and subscribed by us. We also acknowledge and understand that any misuse of State funds will be reported to the appropriate authorities for further action.

Authorizing Official Signature

Date

Sworn and subscribed before me on the day of the date of said certification.

(Notary Signature and Seal)

My Commission Expires: _____

¹ G.S. 105-243.1 defines: Overdue tax debt. – Any part of a tax debt that remains unpaid 90 days or more after the notice of final assessment was mailed to the taxpayer. The term does not include a tax debt, however, if the taxpayer entered into an installment agreement for the tax debt under G.S. 105-237 within 90 days after the notice of final assessment was mailed and has not failed to make any payments due under the installment agreement.”