

Exceptions to State Competitive Bidding Requirements For North Carolina Local Governments

Exception	Applies To:	Description	Board Approval Required?	Other Requirements
Purchases				
Purchase from other units of Government G.S. 143-129(e)(1)	Informal and formal purchases and leases	Purchase directly from another unit of federal, state, or local government anywhere in the U.S.	No	None
Emergency G.S. 143-129(e)(2)	Informal and formal purchases and construction/repair	Present, immediate, and existing special emergency involving public health and safety of people or property	No	None
Fuel Purchase G.S. 143-129(e)(5)	Informal and formal purchases	Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas	No	Informal bidding requirements apply to purchases costing \$30,000 or more (including purchases over \$90,000)
Sole Source G.S. 143-129(e)(6)	Informal and formal purchases	Available when (1) performance or price competition is not available; (2) product is available from only one source; or (3) standardization or compatibility is the overriding consideration	Yes	None
Group Purchasing Program G.S. 143-129(e)(3)	Informal and formal purchases	Competitive bidding process by a formally organized program offering discount prices to at least 2 public agencies	No	None

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State Contract G.S. 143-129(e)(9)	Informal and formal purchases	Purchases from contracts established by State of NC if the contractor is willing to extend the same or more favorable prices, terms and conditions	No	None
Federal Contract G.S. 143-129(e)(9a)	Informal and formal purchases	Purchases from contracts established by a federal agency if the contractor is willing to extend the same or more favorable prices, terms and conditions	No	None
Used Goods G.S. 143-129(e)(10)	Informal and formal purchases	Purchase of used goods from a public or private entity; remanufactured, refabricated, or demo goods are not included under this exception	No	None
Piggyback G.S. 143-129(g)	Formal purchases	Purchases from contracts entered into by any federal, state, or local government in U.S. that have been competitively bid within the previous 12 months if the contractor is willing to extend the same or more favorable prices, terms and conditions	Yes	Board approval at a regular meeting after at least 10 days public notice (notice may be given by publication and electronic means; notice by electronic means only requires governing board approval)

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Trade-In G.S. 143-129.7	Informal and formal purchases	Units may include trade-in of used items as part of the specifications for purchases, and may award one contract for both the sale of the trade-in item and the purchase of the new item	No	Items sold as a trade-in under G.S. 143-129.7 are not subject to property disposal requirements of Article 12 of Chapter 160A
Transportation Authority Purchases G.S. 143-129(h)	Informal and formal purchases and leases	Regional public transportation authorities (RPTA) and regional transportation authorities (RTA) may use RFP process for purchases	Yes	RFP process required by G.S. 143-129(h); governing board must approve use of RFP process at a regularly scheduled meeting before RFP is issued; governing board must certify that RFP process has been followed and approve contract at a regularly scheduled meeting
Nonprofit Work Centers for Blind and Severely Disabled G.S. 143-129.5	Informal and formal purchases	Purchases from a nonprofit work center for the blind and severely disabled as defined in G.S. 148-48	No	None
School Food Services G.S. 115C-264	Informal and formal purchases	Local school unit purchase of supplies and food for food services (nutrition programs) at school	No	None; federal requirements will apply to food services that are federally funded

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Construction and Repair				
Change Order G.S. 143-129(e)(4)	Informal and formal construction/repair	Construction/repair work undertaken during the progress of a competitively bid project that is within the scope of the original project	No	None
Emergency G.S. 143-129(e)(2)	Informal and formal purchases and construction/repair	Present, immediate, and existing special emergency involving public health and safety of people or property	No	None; FEMA procurement requirements will apply in Presidentially declared disasters
Force Account Work G.S. 143-135	Construction/repair (within dollar limits)	Use of unit's own employees (on permanent payroll) and officers to perform construction work when either (1) total cost of the project is under \$125,000; or (2) total cost of the labor is under \$50,000	Yes	Purchases of materials used on the project still subject to competitive bidding requirements; unit must keep accurate records of entire cost of project
Guaranteed Energy Savings Contract (GESCC) G.S. 143-129(e)(8)	Informal and formal construction/repair and related purchases	GESCC for improvements to existing facilities to achieve energy savings sufficient to pay for the costs of the improvements over the term of the contract	Yes if financing of project subject to LGC approval	RFP process required under Article 3B of Chapter 143

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Construction Management at-Risk (CM@R) G.S. 143-129(e)(11)	Informal and formal construction and repair	Construction or repair projects performed by a construction manager at-risk	No	CM@R hired under the Mini-Brooks Act QBS process (G.S. 143-64.31); contracts for construction project subject to requirements of G.S. 143-128.1
Solid Waste Management Facilities G.S. 143-129.2	Construction and operation of solid waste management facilities	Contract for the design, construction, operation, management and maintenance of highly complex and innovative solid waste management facilities and sludge management facilities; “ancillary facilities” (such as roads, water and sewer lines, and transfer stations) are excluded from the exemption	No	RFP process required under G.S. 143-129.1

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<i>Information Technology Goods and Services</i>				
State ITS G.S. 143-129(e)(7)	Informal and formal purchases of information technology goods and services	Purchases made through contracts established by the State Office of Information Technology Services (“information technology” defined under G.S. 147-33.81(2))	No	None
IT goods and services G.S. 143-129.8	Informal and formal purchases of information technology goods and services	Contract for combination of information technology goods and services (“information technology defined under” G.S. 147-33.81(2))	No	RFP process required under G.S. 143-129.8