

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS75177-LM-27A* (01/31)

Short Title: Charlotte/Transit Procurements & Contracts. (Local)

Sponsors: Senators Dannelly, and Clodfelter.

Referred to:

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 its authority under this section to the City Manager, subject to any
19 conditions or restrictions it deems appropriate, and the City Manager may exercise any
20 delegated authority prior to the issuance of requests for proposals.

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

1 or entity is willing to furnish the items at the same or more favorable prices, terms, and
2 conditions as those provided under the contract with the other unit or agency. Any
3 purchase made under this section shall be approved by the City Council as provided in
4 G.S. 143-129(g).

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

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