AGENDA
Catawba County Board of Commissioners Meeting
Monday, February 16, 2015, 7:00 p.m.
Robert E. Hibbitts Meeting Room, 1924 Courthouse
30 North College Avenue, Newton, NC

1. Call to Order.

2. Pledge of Allegiance to the Flag.

3. Invocation.

4. Approval of the Minutes from the Board's Special Meeting, Regular Meeting and Closed Session of February 2, 2015.

5. Recognition of Special Guests.

6. Public Comment for Items Not on the Agenda.

7. Public Hearing:
   Rezoning Request by Birdseye Renewable Energy, LLC. *Presented by Planner Chris Timberlake.*

8. Appointments.

9. Consent Agenda:
   a. Contractor Prequalification Policy.
   b. County Code Update – Chapter 8 – Buildings and Building Regulations.
   c. County Code Update – Chapter 30 – Purchasing.
   d. Sheriff's Office Firing Range – Right of Way Agreement.

10. Departmental Report:
    A. Tax:
       Delinquent 2014 Real Estate Property Tax. *Presented by Tax Collector Lori Mathes.*
    B. Public Health:
       State of the Community – A Public Health Perspective. *Presented by Public Health Director Doug Urland.*

11. Other Items of Business.

12. Attorneys' Report.

13. Manager's Report.

14. Adjournment.

PERSONS WITH DISABILITIES: Individuals needing assistance should contact the County Clerk at 828-465-8990 within a reasonable time prior to the meeting. Access to the 1924 Courthouse for individuals with disabilities is at the south side ("A" Street). The elevator is located at the north end of the building. Participation in public meetings is without regard to race, creed, religion, national origin, sex, age, color, or disability**.**
INFOTALK/INTERNET: The Catawba County Telephone Information System will allow you to use your touch tone telephone to obtain current information on Catawba County 24 hours a day. Information is updated on a

regular basis. Dial 465-8468 and INFOTALK will direct your questions with easy to understand instructions. Reach Catawba County on the Internet at http://www.catawbacountync.gov.

CALENDAR: The March Board of Commissioners Meetings will take place on Monday, March 2, 2015, at 9:30 a.m. and on Monday, March 26, 2015 at 7:00 p.m. in the Robert E. Hibbitts Meeting Room of the 1924 Courthouse, 30 North College Avenue, Newton.

PREVIEW OF COUNTY COMMISSION AGENDA
MONDAY, FEBRUARY 16, 2015, 7 P.M.
ROBERT E. HIBBITTS MEETING ROOM
1924 COURTHOUSE, NEWTON, N.C.

The Catawba County Board of Commissioners will hold a public hearing on a request to rezone 37.63 acres located at 2951 Highway 16 South from R-40 Residential to R-80-CD Conditional District for the purpose of a solar farm, when the Board meets at 7 p.m. on Monday, February 16, 2015, at the 1924 Courthouse at 30 North College Avenue in Newton.

The Board will also receive a report on the "State of the Community" from a Public Health perspective from Catawba County Health Director Doug Urland.

The Board will consider a request for a Right of Way Agreement with Duke Energy Carolinas, LLC, in order for Duke to provide electricity at the site of a firing range being constructed for use by the Sheriff's Office, on property at the Blackburn Landfill that is not expected to be needed for landfill operations for at least 40 years. The Board will receive a report on delinquent 2014 real estate property taxes and consider authorizing the Tax Collector to advertise the delinquent tax liens as prescribed by North Carolina General Statute. And the Board will consider two updates to sections of the County Code and approval of a proposed Contractor Prequalification Policy, all of which are needed to reflect changes in North Carolina law approved by the General Assembly.

PUBLIC HEARING

The Board will hold a public hearing to receive citizen comments and consider an application to rezone approximately 37.63 acres from R-40 Residential to R-80-CD Conditional District, specifically for a solar farm. The current R-40 Residential district requires a minimum lot size of 40,000 square feet (one acre per dwelling), and is considered a low density "general use" district. Predominant uses in this district include single-family homes and agriculture. The R-80 Residential district requires a minimum lot size of 80,000 square feet (two acres per dwelling) and is considered a low density "general use" district. Predominant uses in this district include single-family homes and agriculture, in a more rural surrounding. In contrast, conditional district zoning is based on a "specific use" such as the proposed solar farm. It would be bound by a set of regulations and negotiated conditions specific to the request accompanied by a site plan. In this case, if approved, the base zoning district would be R-80-CD.

The property for which the rezoning request is being considered is located at 2951 Highway 16 South. It is zoned R-40 Residential and is undeveloped and partially used for agricultural purposes. Birdseye Renewable Energy LLC is proposing to lease 37.63 acres in the western portion of a 60 acre tract to install and operate a solar facility. Parcels surrounding the subject parcel are zoned R-40 Residential, with some containing single-family residences, some undeveloped, one containing accessory structures, and one being the location of a driveway for a parcel that is not abutting the subject parcel.

The property is located within the Rural Preservation-Overlay district, which requires a 100-foot setback for structures from Highway16. According to the site plan submitted, the tract (37.63 acres of solar panels) would be developed according to the development standards for Solar Farms found in Section 44-633 of the Unified Development Ordinance (UDO).

Highway 16 South is designated as a minor arterial road in the Catawba County Thoroughfare Plan. This section of the highway is generally designed and constructed to carry 15,800 vehicles per day. Traffic counts taken in 2013 along Highway 16 South, north and south of the site, measured 12,000 average trips per day. Development of the property will consist of temporary construction traffic and will not overburden the existing roadway or cause significant congestion issues during normal operations.

The Balls Creek Small Area Plan serves as the current land use plan for this area. "Future Land Use Recommendations" within the plan depict the property as located in an area recommended for low density (one acre

per dwelling) residential development. The density associated with the request for a solar farm at this location is consistent with the density recommendations of the plan. This particular area is comprised predominantly of large acreage tracts accommodating agricultural and residential development to the south, east, and west. Prior to recent amendments to the UDO, solar farms were classified as public service facilities allowed in all residential districts subject to a special use permit.

Staff recommended that the 37.63 acres, to be leased by Birdseye Renewable Energy LLC, be rezoned from R-40 Residential to R-80-CD Conditional District subject to the conditions listed and illustrated on a December 15, 2014, site plan, with a revised date of January 16, 2015, based on:

1) the relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;
2) the proposed development meeting the standards of Section 44-633 of the UDO as identified on the site plan;
3) the topography of the site, existing vegetation and additional vegetation to be planted combine to offer minimal visibility of the site; and
4) the UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.

The Catawba County Planning Board held a public hearing on January 26, 2015, to consider the request. Two board members indicated they had concerns as to how much benefit solar farms are to the County. One board member suggested this property is a good candidate for a solar farm due to its topography. Mr. Brian Bednar, President of Birdseye Renewable Energy, gave an overview of the project and also indicated that the solar farm would support homes in Catawba County and provide additional tax revenue for the County. No one spoke in opposition to the request.

The Planning Board voted 9-0 to submit a favorable recommendation to the Board of Commissioners to rezone approximately 37.63 acres to be leased by Birdseye Renewable Energy LLC from R-40 Residential to R-80-CD Conditional District based on the reasons listed above from staff, with the addition of:

5) Additional area along the southern line being included in the lease to provide the required screening buffer (75 feet where no additional vegetation is planted).

CONSENT AGENDA

A. The Board will consider adopting a Contractor Prequalification Policy. The North Carolina General Assembly amended North Carolina General Statute (G.S.) 143-135.8 which references prequalification of construction contractors. Catawba County has historically prequalified construction contractors for formal or other major projects and uses the State Construction Office's prequalification form and scoring matrix. The statute changes established specific procedural requirements for when and how local governments may prequalify construction contractors.

Prequalification is defined under the new G.S. 143-135.8(f)(2) as "a process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources and ability necessary to the faithful performance of a contract for construction or repair work." The focus of the requirements is to ensure that a prequalification process is conducted using criteria that relate to the specific project being bid and which are applied objectively and fairly to all bidders. The new requirement also gives contractors an opportunity to learn why they were denied and the ability to appeal a denial. Local governments must now adopt an objective prequalification policy applicable to all construction or repair work and the assessment tool and criteria to be used in prequalifying bidders for that specific project. The assessment tool must include scoring values and minimum required score for prequalification on that specific project. The Board's Finance and Personnel Subcommittee recommends the adoption of this policy.

B. The Board will consider recommended amendments to Chapter 8 - Buildings and Building Regulations - of the Catawba County Code of Ordinances. Numerous changes in the North Carolina General Statutes affecting construction and procurement were enacted during the 2013-14 legislative session. The recommended amendments ensure that Chapter 8 - Buildings and Building Regulations - of the Catawba County Code of Ordinance is consistent with all 2013-14 changes to the North Carolina General Statutes affecting construction and procurement. The Board's Finance and Personnel Subcommittee recommends approval of these amendments.

C. The Board will consider recommended amendments to Chapter 30 – Purchasing - of the Catawba County Code of Ordinances. Chapter 30 of the County Code was last updated in 2011. Some minor revisions are requested to reflect changes in North Carolina General Statutes and current practices. These changes include added Design-Build and Design Build Bridging construction method, added E-Verify requirement for formal construction contracts, and revised disbursement voucher requirements to reflect electronic processes. The Board's Finance and Personnel Subcommittee recommends approval of these amendments.

D. The Board will consider entering into a Right of Way Agreement with Duke Energy Carolinas, LLC. The Sheriff's Office is constructing a firing range at the Blackburn Landfill. The project has a budget of $100,000 and will consist of gravel parking, a metal shed, metal carport, asphalt and electricity.

The Sheriff's Office currently rents land for a shooting range that is basically a marshy area. There are several underground springs that staff have tried repeatedly to drain by running drain lines into the creek. When there is heavy rain, the whole range floods including a tower used for storage. The underground water system frequently disables the electronics of the target system. In addition, the equipment is frequently shot by someone with deer rifles. The neighbors surrounding the current firing range complain every time the range is used.

The site at the Blackburn Landfill should be a perfect location for the new range - it is isolated, not in a flood plain and not expected to be needed for landfill operations for at least 40 years. In order to provide electricity at the site, Duke Energy Carolinas, LLC will construct poles, lighting, fixtures, transformers, etc. and Duke requires a Right of Way Agreement. The Board's Finance and Personnel Subcommittee recommends entering into this Right of Way Agreement.

DEPARTMENTAL REPORTS

A. TAX

In accordance with North Carolina General Statutes, the Board will consider accepting a report from the Catawba County Tax Collector setting forth the total amount of unpaid taxes for the current year and will further consider adopting a resolution ordering the Tax Collector to advertise the delinquent tax liens as prescribed by the Statutes. As of January 31, 2015, delinquent real property taxes in Catawba County totaled $4,529,278, which represents 6.51% of the 2014 real property levy.

B. PUBLIC HEALTH

The Board will receive a report on the "State of the Community" from a Public Health perspective, presented by Catawba County Public Health Director Doug Urland.

CONTACT: DAVE HARDIN, PUBLIC INFORMATION OFFICER 465-8464

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Chris Timberlake, Planner

DATE: February 16, 2015

IN RE: Rezoning Request – Birdseye Renewable Energy LLC

REQUEST

Staff requests the Board of Commissioners consider an application to rezone approximately 37.63 acres from R-40 Residential to R-80-CD Conditional District specifically for a solar farm.

Purpose

The current R-40 Residential district, requires a minimum lot size of 40,000 square feet (1 acre per dwelling), and is considered a low density "general use" district. Predominant uses in this district include single-family homes and agriculture. The R-80 Residential district requires a minimum lot size of 80,000 square feet (2 acres per dwelling) and is considered a low density "general use" district. Predominant uses in this district include single-family homes and agriculture in a more rural surrounding. Such uses in the R-40 and R-80 district are allowed by right.

In contrast, conditional district zoning is based on a "specific use" such as the requested solar farm being proposed. It would be bound by a set of regulations and negotiated conditions specific to the request accompanied by a site plan. In this case, if approved, the base zoning district would be R-80-CD.

REVIEW/BACKGROUND

Location/Zoning

The property for which the rezoning request is being considered is located at 2951 South NC 16 Highway in the Balls Creek Small Area Planning District, Caldwell Township, and further identified by Parcel Identification Number 3659-20-81-5039.

The property depicted as Parcel 1, on the attached map, is zoned R-40 Residential and is an undeveloped property partially used for agricultural purposes. Birdseye Renewable Energy LLC is proposing to lease 37.63 acres located in the western portion of the 60 acre tract to install and operate a solar facility. The attached maps identify the proposed lease area. The surrounding parcels contain the zoning districts and uses described below.

- *North* – Parcels 2 - 11 are zoned R-40 Residential (1 acre per dwelling). Each contains single-family residences. Parcels 12 – 14 to the northeast are zoned R-40 Residential as well. Parcels 12 and 13 are undeveloped. Parcel 14 contains a single-family residence.

- *South* – Parcels 16 - 20 are zoned R-40 Residential (1 acre per dwelling). Parcels 16 and 20 are undeveloped. Parcels 17 and 18 contain single-family residences. Parcel 19 contains accessory structures.

- *East* – Parcel 15 is zoned R-40 Residential (1 acre per dwelling) and is an undeveloped parcel used for agricultural purposes.

- *West* – Parcel 21 is zoned R-40 Residential (1 acre per dwelling) and is used for the location of a driveway to a parcel that is not abutting Parcel 1.

Zoning History
None to report.

Land Use
The subject property is located within the Rural Preservation-Overlay (RP-O) district which requires a 100-foot setback for structures from the NC 16 Highway. According to the site plan submitted, the tract (comprising 37.63 acres of solar panels) would be developed according to the development standards found in Section 44-633 of the Unified Development Ordinance. The requirements are listed below:

Sec. 44-633. Solar Farm (Utility-Scale Solar Application)

(a) All structures and security fencing must meet a 100-foot front setback measured from the edge of the rights-of-way and 50-foot side and rear setbacks.

(b) A landscape buffer/screen along all exterior sides of the security fence must consist of:

(1) On-site mature vegetation exists at a minimum height of 10 feet and depth of 75 feet between the security fence and adjacent property including rights-of-way; or **(Met on site plan)**

(2) A single row of evergreens in combination with mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or **(Met on site plan)**

(3) A double row of off-set evergreens absent mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or **(Met on site plan)**

(4) A berm combined with evergreen vegetation installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years.

(c) Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area that lessens the view of the solar farm. Where visibility of the solar farm is decreased due to topography, the landscape buffer/screen may be reduced. Both shall be determined by the Planning Director.

(d) All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard. **(Note #19 on site plan)**

(e) The applicant must secure all necessary approvals and/or permits from NCDOT for the access points for project entrances prior to issuance of a Zoning Authorization Permit. **(Note #9 on site plan)**

(f) All construction parking must be located outside of the rights-of-way. **(Note #5 on site plan)**

(g) Erosion control measures must be installed at construction entrances in order to minimize off-site soil spillage. Existing grass must be maintained in perpetuity sufficient to prevent erosion. **(Note #8 on site plan)**

(h) The applicant must provide written authorization from the local utility company acknowledging and approving connection to the utility company's grid. **(Note #28 on site plan)**

(i) A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a local phone number for the solar farm operator in case of an emergency. **(Note #18 on site plan)**

(j) Power transmission lines must be located underground to the extent practical. **(Note #23 on site plan)**

(k) A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of eight feet along all exterior sides of the solar farm. **(Note #10 on site plan)**

(l) Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site. **(Note #11 on site plan)**

(m) The Zoning Authorization Permit is subject to revocation if the Planning Department is not notified when the solar farm company holding the permit sells or otherwise transfers its interest to another entity or individual. **(Note #12 on site plan)**

(n) Removal of solar farm equipment and site restoration:

(1) The application must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored. **(See attached Decommissioning Plan)**

(2) Following a continuous 6 month period in which no electricity is generated, the permit holder will have 6 months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan. **(Note #25 on site plan)**

(3) Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the County with a performance guarantee as provided in Subsection (4) below. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus the salvageable value, or $50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the County with the certified cost estimate. **(See attached Decommissioning Plan)**

(4) The following types of performance guarantees are permitted:

a. A surety or performance bond that renews automatically, includes a minimum 60-day notice to the County prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the Planning Department each year verifying the bond has been properly renewed; or

b. A certified check deposited with the county finance director, as escrow agent, who will deposit the check in an interest-bearing account of the County, with all interest accruing to the applicant. Funds deposited with the county finance director will be returned when the solar farm is decommissioned and any necessary site restoration is completed; or

c. A no-contest irrevocable bank letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the County finance director to withdraw funds from the bank upon certification by the County manager that the terms and conditions of the performance guarantee have been breached. The letter of

credit must be valid up to 12 months from the date the performance guarantee was approved.

(5) The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed. **(See attached Decommissioning Plan)**

(6) The land owner or tenant must notify the County when the site is abandoned.

Utilities

The proposed use does not require wastewater or potable water services. The proposed solar facility will connect to the utility grid in the northeast portion of the property.

Transportation

South NC 16 Highway is designated as a minor arterial road in the Catawba County Thoroughfare Plan. This section of NC 16 Highway is generally designed and constructed to carry 15,800 vehicles per day. Traffic counts taken in 2013 along South NC 16 Highway, north and south of the site, measured 12,000 average trips per day. Development of the property will consist of temporary construction traffic and will not overburden the existing roadway or cause significant congestion issues during normal operations.

Land Use Plan

The Balls Creek Small Area Plan, adopted on June 16, 2003, serves as the current land use plan for this area. Map 5, titled "Future Land Use Recommendations," depicts the property as being located in an area recommended for low density (1 acre per dwelling) residential development. The density associated with the request for a solar farm at this location is consistent with the density recommendations of the plan. This particular area is comprised predominately of large acreage tracts accommodating agricultural and residential development to the south, east, and west. Prior to recent amendments to the UDO, solar farms were classified as public service facilities allowed in all residential districts subject to a special use permit.

Staff Recommendation

Staff recommends the 37.63 acres to be leased by Birdseye Renewable Energy LLC be rezoned from R-40 Residential to R-80-CD Conditional District subject to the conditions listed and illustrated on the site plan with an original date of 12/5/14 and revised date of 1/16/15 based upon:

1) The relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;

2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) as identified on the site plan;
3) The topography of the site, existing vegetation, and additional vegetation to be planted combine to offer minimal visibility of the site; and
4) The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District.

Public Hearing Discussion

The Planning Board held a public hearing on January 26, 2015 to consider the request. Two board members indicated they had concerns as to how much benefit solar farms are to the County. One board member suggested this property is a good candidate for a solar farm due to its topography. Brian Bednar, President of Birdseye Renewable Energy, gave an overview of the project and also indicated that the solar farm would support homes in Catawba County and provide additional tax revenue for the County. No one spoke in opposition to the request.

PLANNING BOARD RECOMMENDATION

The Planning Board voted 9 – 0 to submit a favorable recommendation to the Catawba County Board of Commissioners to rezone approximately 37.63 acres to be leased by Birdseye Renewable Energy LLC, identified on the site plan with an original date of 12/5/14 and revised date of 1/16/15, from R-40 Residential to R-80-CD Conditional District to the Catawba County Board of Commissioners based upon:

1) The relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;
2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) as identified on the site plan;
3) The topography of the site, existing vegetation, and additional vegetation to be planted combine to offer minimal visibility of the site;
4) The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District; and
5) Additional area along the southern line being included in the lease to provide the required screening buffer (75' where no additional vegetation is planted).

Note: To date, nine solar farms have been approved within Catawba County's unincorporated area.

- *Three sites have been built –Arndt Farms, LLC, Judy Punch, and Sigmon. All were built by Strata Solar.*
- *Two are waiting construction – Owen Solar which is scheduled to be built 7/3/2015 and Flash Solar which is scheduled for 8/1/2015. Both are to be built by Sunlight Partners, LLC. (The Zoning Special Use Permits allow for construction until 2018.)*

- *Four of the projects have been abandoned – RJ Solar, Morgan Solar, Aztec Solar and Austin Solar. These were going to be built by Sunlight Partners, LLC, but have been abandoned due to financial feasibility uncovered during the due diligence phase of the project.*

REZONING REQUEST MAP

Owenby
PIN - 3659-20-81-5039
R-40 Residential to
R-80-CD Conditional District

- Waterlines
- Subject Parcel
- Structures
- Parcels
- Lease Area
- R-40
- HC
- R-30
- RC

1 Through 21 - See Adjacent Property Owner List

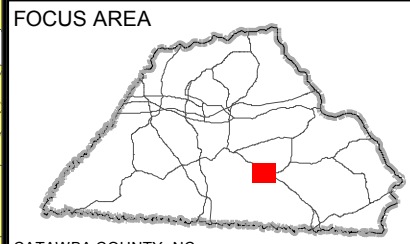
Parcels fall within
the following Overlays: RP-O

N W E S

1 inch = 700 feet

This map product was prepared from the Catawba County, NC, Geographic Information System. Catawba County has made substantial efforts to ensure the accuracy of location and labeling information contained on this map. Catawba County promotes and recommends the independent verification of any data contained on this map product by the user. The County of Catawba, its employees and agents disclaim, and shall not be held liable for any and all damages, loss or liability, whether direct, indirect or consequential which arises or may arise from this map product or the use thereof by any person or entity.

FOCUS AREA



CATAWBA COUNTY, NC

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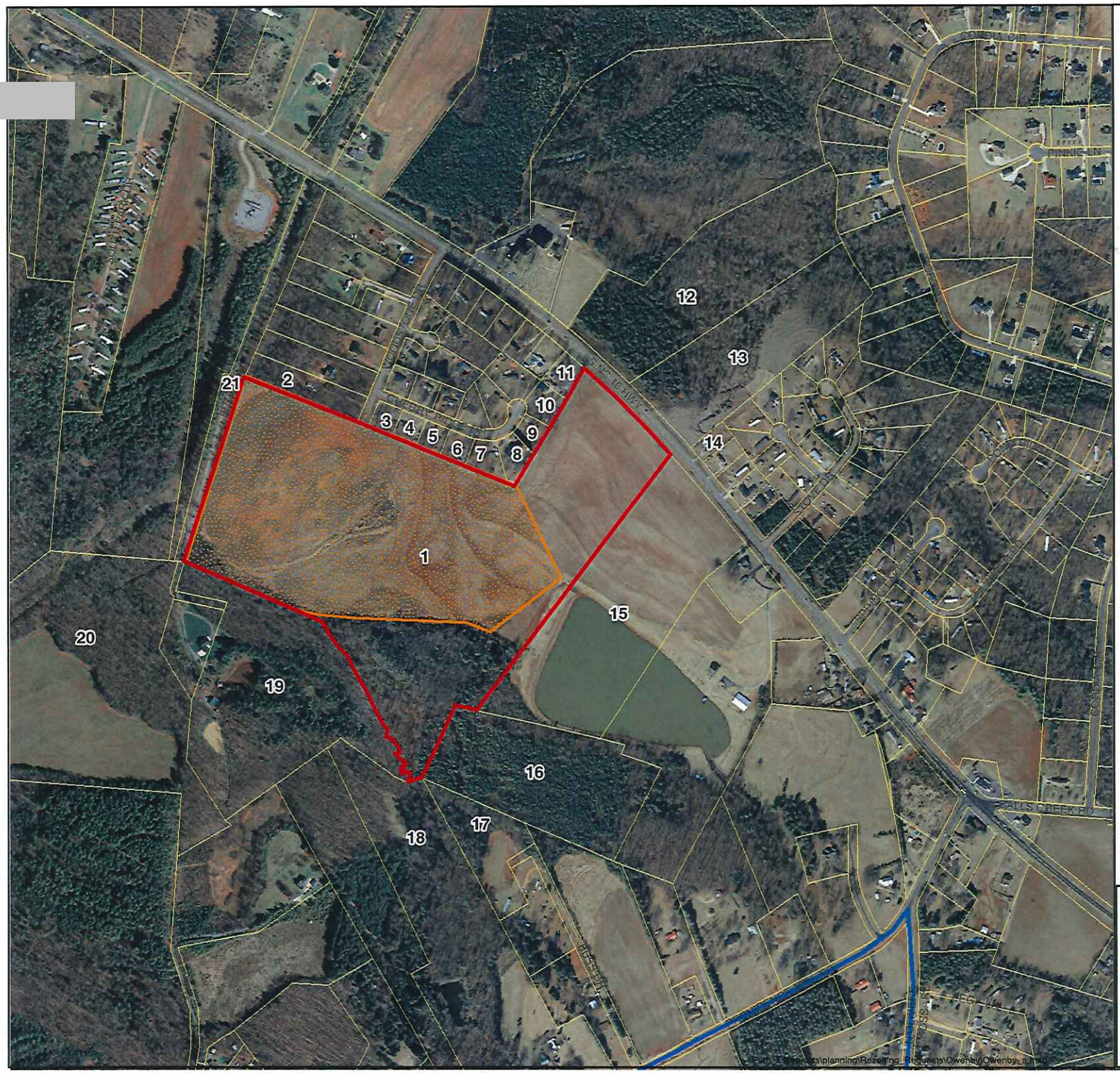
REZONING REQUEST MAP

Owenby
PIN - 3659-20-81-5039
R-40 Residential to
R-80-CD Conditional District



Waterlines

Subject Parcel

Parcels

Lease Area

1 Through 21 - See Adjacent Property Owner List

Parcels fall within
the following Overlays: RP-O

N
W E
S

1 inch = 700 feet

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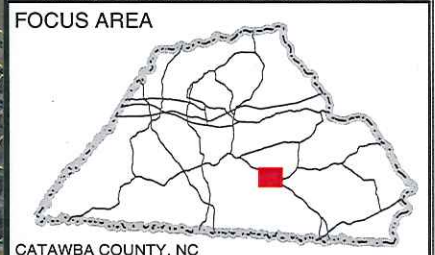
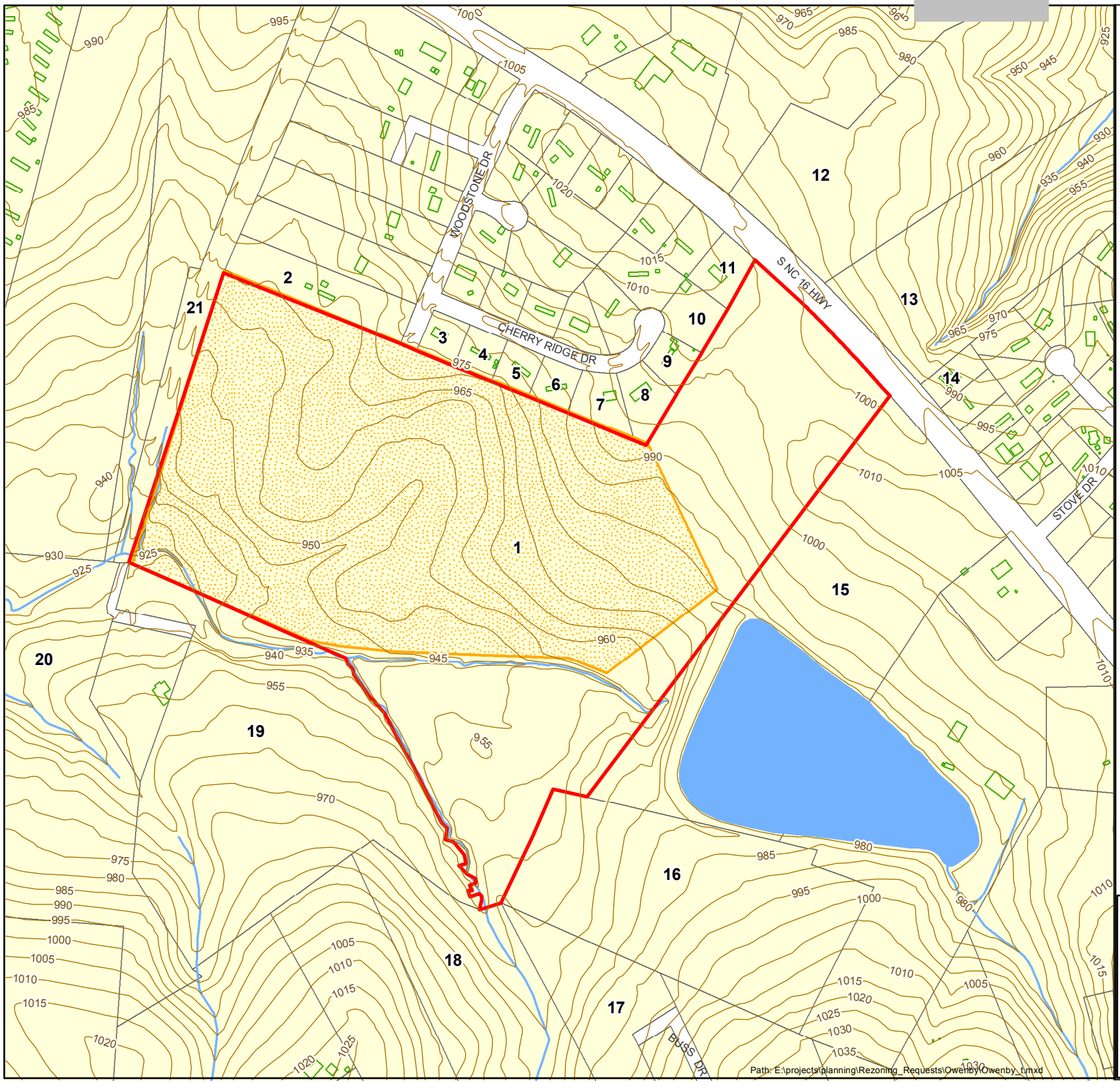


CATAWBA COUNTY, NC

REZONING REQUEST MAP

Owenby
PIN - 3659-20-81-5039
R-40 Residential to
R-80-CD Conditional District



Contour Lines
Subject Parcel
Apple One Lease Area
Creeks, Streams
Ponds
Structures
Parcels

1 Through 21 - See Adjacent Property Owner List

Parcels fall within
the following Overlays: RP-O

N
W E
S

1 inch = 450 feet

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FOCUS AREA

CATAWBA COUNTY, NC

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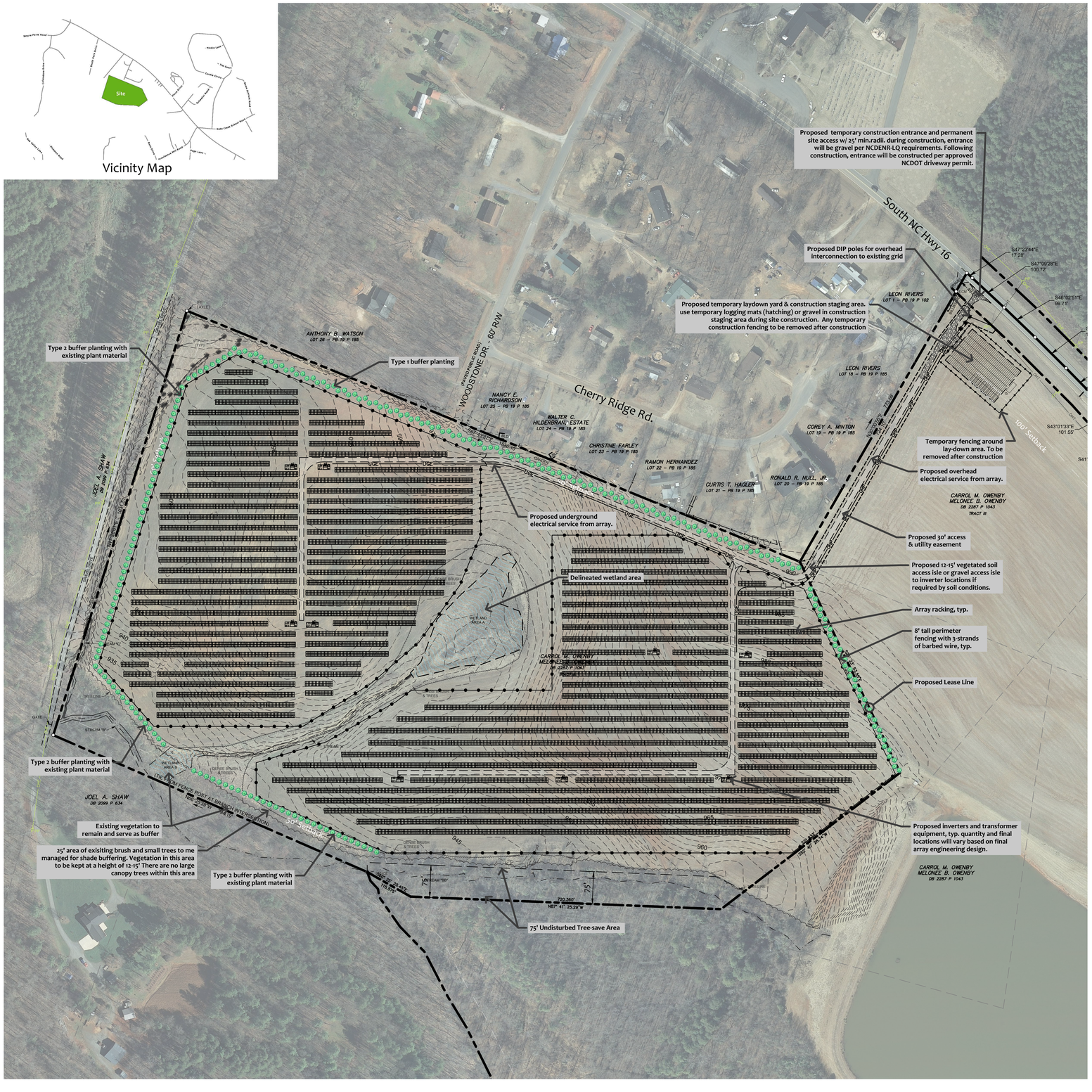


SITE DATA

SITE ADDRESS: S NC 16 HWY, NEWTON NC
TOWNSHIP: CALDWELL
RIVER BASIN: NEUSE
WATERSHED: NA
MINIMUM SETBACK REQUIREMENTS:

ZONING	R-80CD (Utility Scale Solar)
FRONT	100'
SIDE	50'
REAR	50'

PROPERTY OWNER:
CARROL MANLEY OWENBY &
MELLONEE B OWENBY
4499 S NC 16 HWY
MAIDEN, NC 28650

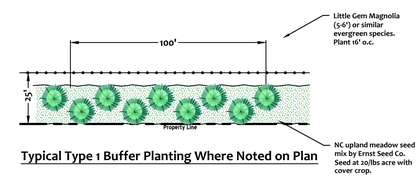
APPLICANT:
APPLE ONE SOLAR, LLC
1125 E. Morehead St., Suite 206
Charlotte, NC 28204

PLAN PREPARED BY:
Bloc Design
1310 S.Tryon Street, Suite 111
Charlotte, NC 28203

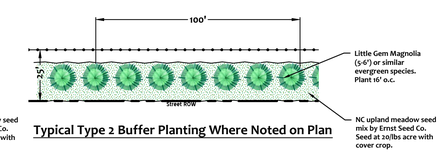
PIN	OWNER	DB/PG	ZONING	PARCEL ACREAGE	LEASE ACREAGE	LAND USE
3659208159 39	CARROL MANLEY OWENBY & MELLONEE B. OWENBY	2287/ 1043	R-40	60.33	37.63	AGRICULTURE
		TOTAL ACREAGE		60.33	37.63	

NOTES

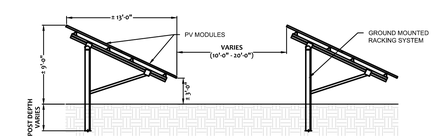
1. THE PURPOSE OF THIS SITE PLAN IS TO DEPICT THE LAYOUT OF THE SOLAR COLLECTOR FACILITY, ITS INTERCONNECTION TO THE EXISTING POWER INFRASTRUCTURE, AND TO OBTAIN A CONDITIONAL REZONING FOR THE PROJECT. REVIEW AND APPROVAL BY THE ZONING ADMINISTRATOR OF MINOR MODIFICATIONS TO THE SITE PLAN ARE REQUESTED IN REGARDS TO THE LOCATIONS AND QUANTITY OF RACKING, NUMBER AND LOCATION OF INVERTERS, ACCESS AISLES, DRIVEWAYS, AND UNDERGROUND ELECTRIC INTERCONNECTION ROUTING UPON THE COMPLETION OF FINAL ENGINEERING DRAWINGS FOR THE FACILITY. HOWEVER, ALL SUCH MINOR MODIFICATIONS TO THE FINAL SITE PLAN SHALL COMPLY WITH ALL APPLICABLE SECTIONS OF THE CATAWBA COUNTY ZONING ORDINANCE AND VERIFIED BY THE CATAWBA COUNTY ZONING ADMINISTRATOR PRIOR TO ISSUING A ZONING PERMIT FOR USE AND CONSTRUCTION.
2. TOPOGRAPHIC DATA & EXISTING IMPROVEMENTS SHOWN ON THIS PLAN IS PER BOUNDARY AND TOPO SURVEY BY GRAY SURVEYING COMPANY, INC. 6.4.2014
3. THE PROPERTY SHOWN HEREON DOES NOT CONTAIN SPECIAL FLOOD HAZARD AREAS (SFHAS) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD (I.E. 100-YR. EVENT) PER FEMA FIRM MAP NO. 3710365900J EFFECTIVE DATE 09/05/2007
4. ALL RIGHT-OF-WAYS ARE PUBLIC, UNLESS NOTED OTHERWISE.
5. ALL CONSTRUCTION PARKING MUST BE LOCATED OUTSIDE OF THE RIGHTS-OF-WAY.
6. UTILITY LINES AND SERVICES SHOWN HEREON ARE APPROXIMATE PER AERIAL PHOTOGRAPHY OR AS REPORTED BY VARIOUS RESPONSIBLE PARTIES. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND MUST BE FIELD VERIFIED. CALL NC ONE CALL CENTER BEFORE DIGGING AT 811.
7. COPIES OF ALL PERMITS AND APPROVED PLANS MUST BE KEPT ON-SITE IN A PERMIT BOX THAT IS CONSPICUOUSLY LOCATED AND EASILY ACCESSIBLE DURING CONSTRUCTION.
8. A SEDIMENTATION & EROSION CONTROL PERMIT WILL BE OBTAINED FROM CATAWBA COUNTY. EROSION CONTROL MEASURES WILL BE INSTALLED AT CONSTRUCTION ENTRANCES IN ORDER TO MINIMIZE OFF-SITE SOIL DAMAGE. EXISTING GRASS WILL BE MAINTAINED IN PERPETUITY SUFFICIENT TO PREVENT EROSION
9. A DRIVEWAY PERMIT WILL BE APPROVED BY NCDOT PRIOR TO BEGINNING CONSTRUCTION. FINAL DRIVEWAY LOCATION(S) & REQUIREMENTS ARE SUBJECT TO PERMIT REVIEW AND APPROVAL.
10. A SECURITY FENCE EQUIPPED WITH A GATE AND A LOCKING MECHANISM MUST BE INSTALLED AT A MINIMUM HEIGHT OF EIGHT FEET ALONG ALL EXTERIOR SIDES OF THE SOLAR FARM.
11. LANDSCAPE BUFFER/SCREENS, GROUND COVER, SECURITY FENCES, GATES, AND WARNING SIGNS MUST BE MAINTAINED IN GOOD CONDITION UNTIL THE SOLAR FARM IS DISMANTLED AND REMOVED FROM THE SITE.
12. THE ZONING AUTHORIZATION PERMIT IS SUBJECT TO REVOCATION IF THE PLANNING DEPARTMENT IS NOT NOTIFIED WHEN THE SOLAR FARM COMPANY HOLDING THE PERMIT SELLS OR OTHERWISE TRANSFERS ITS INTEREST TO ANOTHER ENTITY OR INDIVIDUAL .
13. PROJECT AREA, INCLUDING CONSTRUCTION STAGING AREAS, WILL BE CLEARED AND GRUBBED AS NECESSARY, RETAINING PRE-DEVELOPMENT DRAINAGE PATTERNS (I.E. NO MASS GRADING). A PORTION OF PROJECT AREAS MAY CONSIST OF TREE CLEARING ONLY (NO GRUBBING) TO ALLEVIATE SHADING OF THE ARRAY, AS INDICATED ON THE SITE PLAN. MINOR GRADING WILL OCCUR AROUND INVERTER AREAS TO DIVERT SURFACE DRAINAGE. CONSTRUCTION STAGING AND AREAS SUBJECT TO RUTTING DURING CONSTRUCTION WILL BE TEMPORARILY STABILIZED WITH LOGGING MATS (WHICH WILL BE REMOVED FOLLOWING CONSTRUCTION) OR GRAVEL WHICH WILL REMAIN AFTER CONSTRUCTION. SOIL CONDITIONS AND EQUIPMENT LOADS WILL DETERMINE FINAL DESIGN.
14. PROPOSED TEMPORARY LAYDOWN YARD/CONSTRUCTION STAGING AREA TO BE USED DURING SITE CONSTRUCTION. A PORTION OF THIS AREA (HATCHED) WILL BE COVERED WITH LOGGING MATS OR OTHER STABILIZED SURFACING (GRAVEL, ETC..) TO ALLOW DELIVERY OF CONSTRUCTION MATERIALS. PRIOR TO CONSTRUCTION, THIS AREA WILL BE COMPACTED BY A SMOOTH DRUM OR SHEEPS FOOT ROLLER TO REDUCE/PREVENT RUTTING. FOLLOWING CONSTRUCTION, THE LOGGING MATS (OR GRAVEL) ARE REMOVED AND THE ENTIRE AREA IS SCARIFIED AND RE-SEEDED.
15. ACCESS AISLES SHOWN ON THIS PLAN INDICATE CONSTRUCTION AND MAINTENANCE ACCESS POINTS FOR INGRESS/EGRESS. PRIOR TO CONSTRUCTION, THESE AISLES ARE COMPACTED BY A SMOOTH DRUM OR SHEEPSFOOT ROLLER TO REDUCE/PREVENT RUTTING. LOGGING MATS OR GRAVEL MAY BE PLACED IN HIGH TRAFFIC OR POORLY DRAINING AREAS DURING CONSTRUCTION ACTIVITIES TO IMPROVE ACCESS. SOIL ACCESS ISLES WILL BE SCARIFIED, AERATED, AND RE-SEEDED AFTER CONSTRUCTION. ACCESS ISLES TO INVERTERS MAY REQUIRE GRAVEL TO SUPPORT DELIVERY EQUIPMENT LOADS. SOIL CONDITIONS AND FINAL EQUIPMENT SELECTION WILL DETERMINE IF GRAVEL ACCESS ISLE WILL BE REQUIRED TO INVERTER LOCATIONS.
16. PROPOSED ACCESS GATE(S) ARE 8' TALL CHAIN LINK WITH 3 STRANDS OF BARBED WIRE. GATES WILL BE LOCKED WITH STANDARD KEYED OR COMBINATION LOCK. EMERGENCY PERSONNEL (AS DESIGNATED BY CATAWBA COUNTY) WILL BE PROVIDED A KEY OR COMBINATION FOR 24 / 7 ACCESS.
17. NO PERMANENT LIGHTING IS PROPOSED FOR THIS SITE. SHOULD THE NEED FOR ADDITIONAL SECURITY MEASURES ARISE, THE PETITIONER RESERVES THE RIGHT TO INSTALL SECURITY LIGHTING AND CLOSED CIRCUIT CAMERAS AS NEEDED.
18. A WARNING SIGN CONCERNING VOLTAGE WILL BE PLACED AT THE MAIN GATE INCLUDING THE NAME OF THE SOLAR FARM OPERATOR AND A LOCAL PHONE NUMBER FOR THE SOLAR FARM OPERATOR IN CASE OF AN EMERGENCY. ONLY SITE SPECIFIC SIGNAGE IS ALLOWED. PROPOSED SIGNAGE SHALL BE ALUMINUM SIGNS ("DANGER - HIGH VOLTAGE" AND "DANGER - NO TRESPASSING") MEASURING 14" X 10" IN SIZE, WILL BE PLACED ON PERMANENT SECURITY FENCING, ALTERNATING EVERY 100' AROUND THE ARRAY.
19. THE PHOTOVOLTAIC (PV) PANELS ARE TO BE LOCATED AND SITUATED SO GLARE DOES NOT CREATE A DISTRACTION OR NUISANCE TO TRAFFIC OR ADJACENT RESIDENTIAL PROPERTIES.
20. SOLAR COMPONENTS MUST HAVE A UL LISTING, OR A LISTING FROM AN ALTERNATIVE TESTING AGENCY ACCEPTED BY THE LOCAL JURISDICTION HAVING AUTHORITY OVER THE PROJECT, AND MUST BE DESIGNED WITH ANTI-REFLECTIVE COATING(S).
21. ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH THE NATIONAL ELECTRIC CODE AND NORTH CAROLINA BUILDING CODE.
22. NO STRUCTURE SHALL EXCEED A HEIGHT GREATER THAN TWENTY-FIVE (25) FEET, EXCEPT FOR EXISTING POLES/OVERHEAD WIRING AND REQUIRED NEW INTERCONNECTION POLES REQUIRED BY UTILITY COMPANY AT POINT OF INTERCONNECTION. THIS IS MEASURED FROM FINISHED GRADE AT THE BASE OF THE STRUCTURE TO ITS HIGHEST POINT. FINAL INTERCONNECTION LOCATION & NUMBER OF POLES TO BE DETERMINED BY FINAL DESIGN & UTILITY COMPANY'S REQUIREMENTS.
23. ALL POWER TRANSMISSION LINES FROM A GROUND MOUNTED SOLAR ENERGY SYSTEM SHALL BE LOCATED UNDERGROUND, EXCLUDING EXISTING UTILITIES.
24. THE ELECTRICAL DISCONNECT SWITCH SHALL BE CLEARLY IDENTIFIED AND UNOBSTRUCTED AT ALL TIMES. THE OWNER MUST FILE A MAP WITH THE CATAWBA COUNTY PUBLIC SAFETY DEPARTMENT DEPICTING WHERE THE DISCONNECT SWITCH IS LOCATED, AND SUPPLY ALL EMERGENCY CONTACT INFORMATION TO EMERGENCY PERSONNEL TO HAVE ON FILE.
25. FOLLOWING A CONTINUOUS 6 MONTH PERIOD IN WHICH NO ELECTRICITY IS GENERATED, THE PERMIT HOLDER WILL HAVE 6 MONTHS TO COMPLETE DECOMMISSIONING OF THE SOLAR FARM. DECOMMISSIONING INCLUDES REMOVAL OF SOLAR PANELS, BUILDINGS, CABLING, ELECTRICAL COMPONENTS, AND ANY OTHER ASSOCIATED FACILITIES BELOW GRADE AS DESCRIBED IN THE APPROVED DECOMMISSIONING PLAN.
26. A JURISDICTIONAL DETERMINATION IS IN PROCESS FOR FINAL APPROVAL FROM THE US ARMY CORPS OF ENGINEERS. A COPY OF THE FINAL EXECUTED JD FROM THE USACOE WILL BE PROVIDED TO CATAWBA COUNTY PLANNING PRIOR TO CONSTRUCTION.
27. SHADE BUFFER LAND CLEARING SHOWN IN JURISDICTIONAL AREAS IS NOT CONSIDERED A DISCHARGE OF DREDGE MATERIAL AS DEFINED IN SECTION 232.2 (3)(ii) " Activities that involve only the cutting or removing of vegetation above the ground (e.g., mowing, rotary cutting, and chainsawing) where the activity neither substantially disturbs the root system nor involves mechanized pushing, dragging, or other similar activities that redeposit excavated soil material."
28. THE APPLICANT WILL PROVIDE WRITTEN AUTHORIZATION FROM THE LOCAL UTILITY COMPANY ACKNOWLEDGING AND APPROVING CONNECTION TO THE UTILITY COMPANY'S GRID.



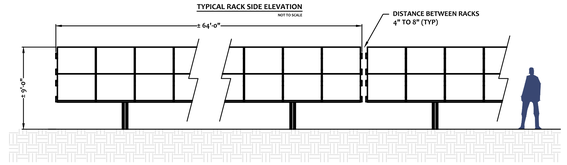
Typical Type 1 Buffer Planting Where Noted on Plan



Typical Type 2 Buffer Planting Where Noted on Plan



TYPICAL RACK SIDE ELEVATION
NOT TO SCALE



TYPICAL RACK FRONT ELEVATION
NOT TO SCALE

(Rack shown is typical. Final rack selection/design will be based on final engineering plans. Number of support posts, orientation of panels, overall height and overall length of each rack may vary upon final design.)

N
0 100 200 Feet

Bloc Design
1310 S. Tryon Street, Suite 111
Charlotte, NC 28203
phone: 704-458-1646
www.bloc-nc.com
landscape architecture | planning | civil engineering

Ground-Mount Solar Array Installation
Apple One, LLC
Catawba County, NC

Parcel ID# 3631861291

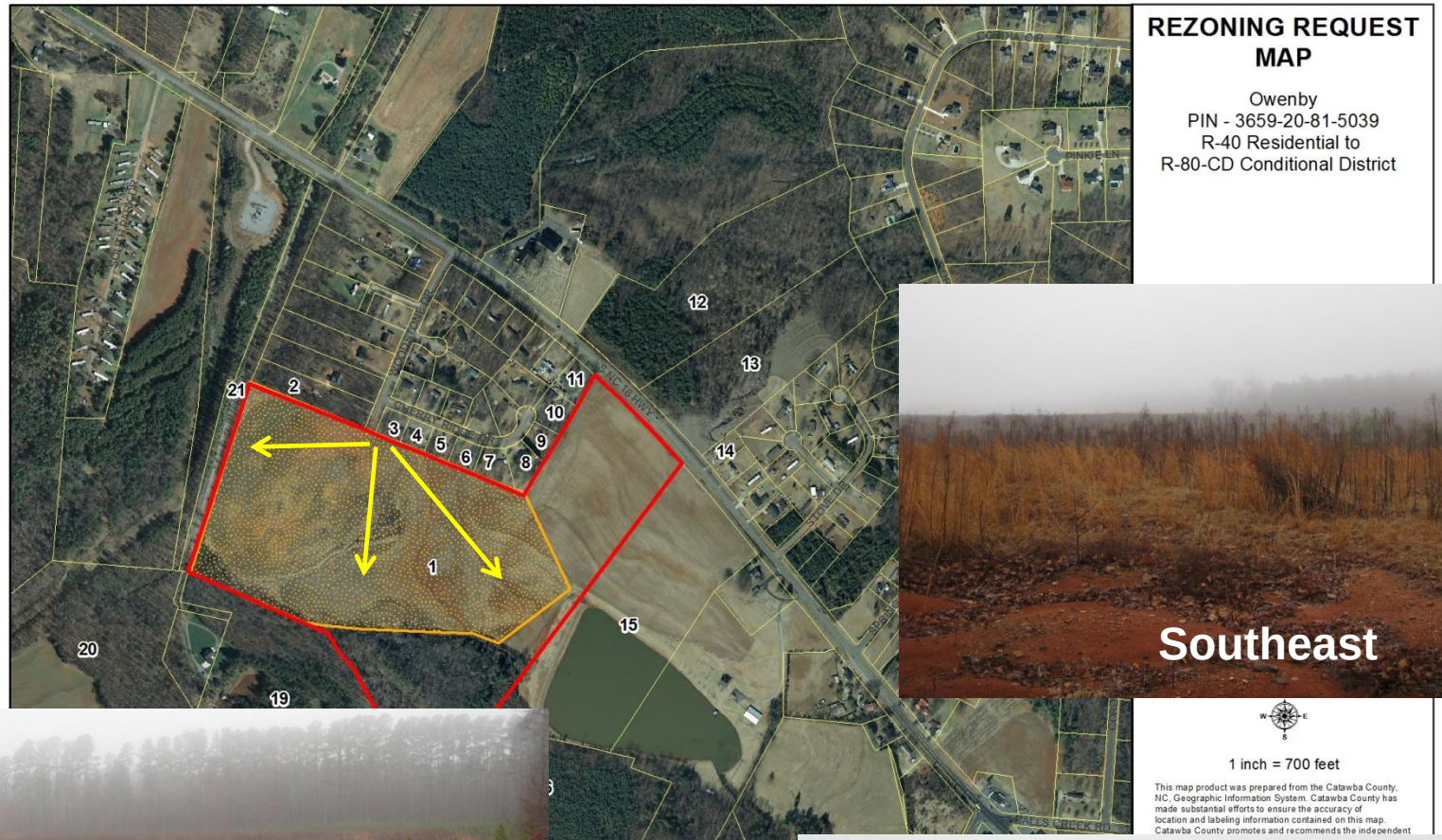
BIRDSEYE RENEWABLE ENERGY

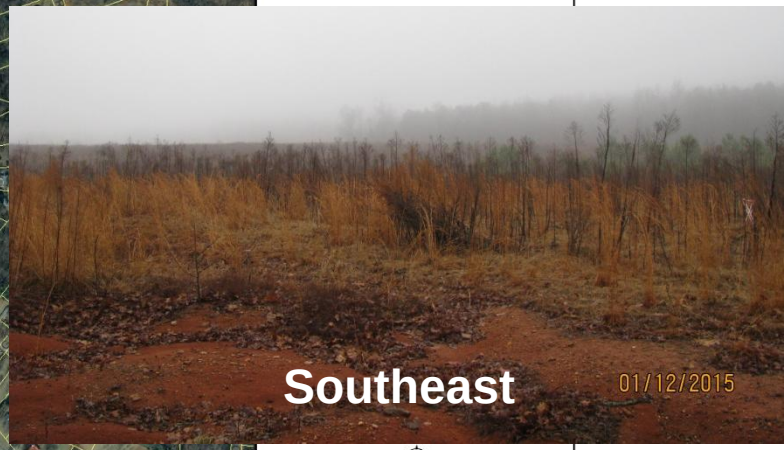
Project No:	3517A	Revisions	
Drawn By:	BD	Staff Review	1.16.15
Designed By:	K.Gorman	Planning Board	2.3.15
Checked By:	K.Gorman		
Original Issue Date:	12.5.14		

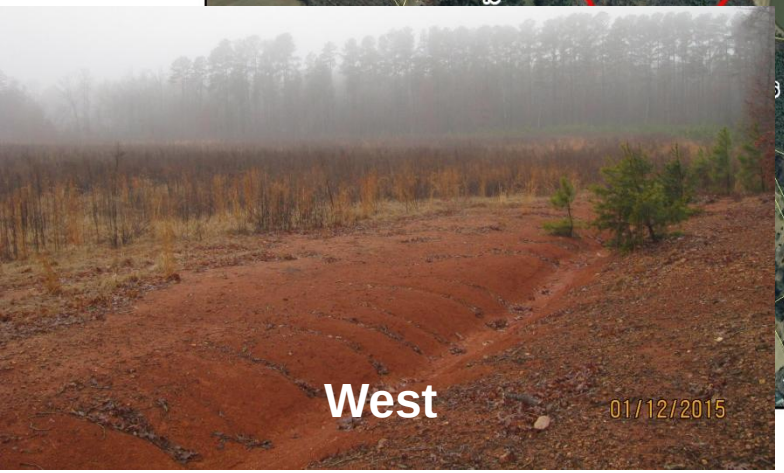
Conditional Use Site Plan

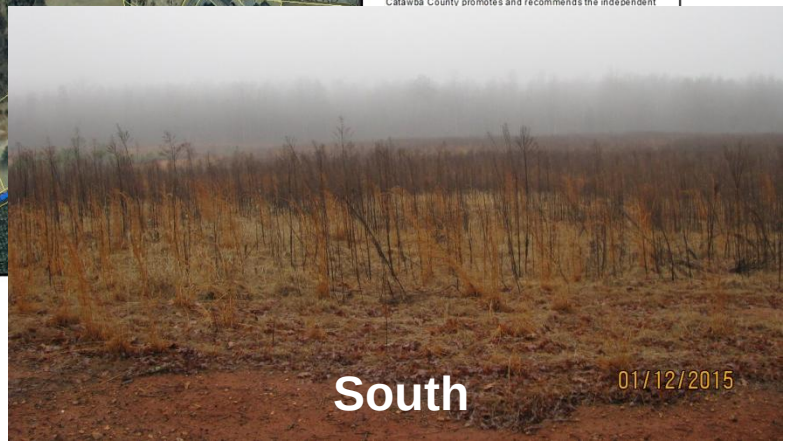
CU1

Subject and Adjacent Properties

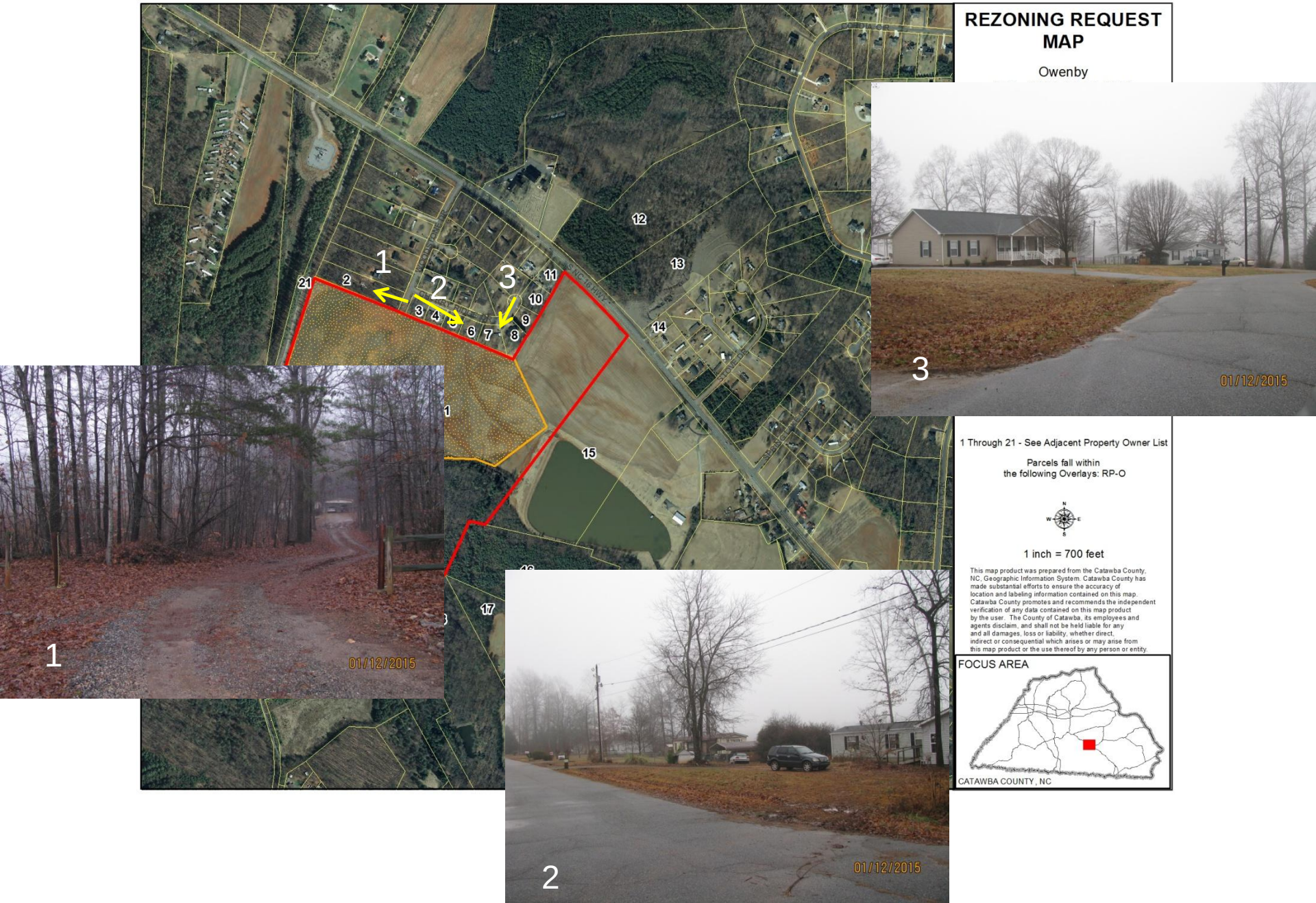








Adjacent Properties



Adjacent Properties

Catawba County Rezoning/Ordinance Text Amendment Application

Applicant Birdseye Renewable Energy, LLC Phone # (704) 644-7733
Applicant's Fax (704) 644-7733 Applicant's Email labernethy@birdseyeenergy.com
Applicant's Mailing Address 1125 E. Morehead St. Suite 206 City, State, Zip Charlotte, NC 28205
Property Owner Mellonee and Carol Owenby Phone # (828) 234-0803
Property Owner's Mailing Address 4499 S NC Hwy 16 City, State, Zip Maiden, NC 28650-9030
Parcel 911 Address _____ PIN # 365920815039
Subdivision Name and Lot # _____
Current Zoning District R-40 Proposed Zoning District R-80-CD

Type of Rezoning Application:

☐ **General Rezoning**
- The general information listed below shall be submitted with the rezoning application.

☐ **Planned Development Rezoning**
- All information contained in the Planned Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

☐ **Special District Rezoning**
- All information contained in the Special District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.

☒ **Conditional District Rezoning**
- All information contained in the Conditional District Development Chart of the Procedures Manual is to be shown on a plan submitted with the application. The complete application includes the general information below and specific development conditions substantially agreed to by the staff and applicant as well as a development agreement if applicable.

☐ **Manufactured Home Park Rezoning**
- All information contained in the Manufactured Home Park Development Chart of the Procedures Manual is to be shown on a plan submitted with the application and the general information below.
- Proposed Park Name _____

☐ **Ordinance Text Amendment**
- Submit general information listed below.

General Information to be attached:

☒ If a portion of an existing parcel is requested to be rezoned, a survey of the portion of the parcel(s) covered by the proposed amendment at a scale no smaller than 1 inch equals 200 feet, on a 18 x 24 inch map and one 8 x 11 inch map (30 copies).
☐ Submittal of 30 copies of each map including digital copies in .pdf or .jpg format.
☒ If applicable, a legal description of such land
☐ If applicable, a detailed statement of any alleged error in the Unified Development Ordinance which would be corrected by the proposed amendment, and a detailed explanation of the manner the proposed amendment will correct the alleged error.
☒ A detailed statement of all other circumstances, factors, and reasons, which applicant offers in support of the proposed zoning map or text amendment.
☒ Filing Fee: Per Catawba County Fee Schedule

Applicant's Signature _____ Date 12-12-2014
Property Owner's Signature _____ Date 12-12-2014

BIRDSEYE
RENEWABLE ENERGY

Statement in Support of Rezoning Application

Introduction:

Birdseye Renewable Energy proposes to develop a solar farm on approximately 35 acres of the approximately 60 acre parcel. This site is in no way related or associated with the Apple Inc. technology company or their solar development in the region. The name similarity was completely inadvertent. The site is located south of the terminus of Woodstone Drive. The property is currently zoned R-40, as are all adjacent properties. Existing development in the area is predominately residential and agricultural.

The planned development will involve mounting rows of Photovoltaic (PV) modules onto racks secured by post driven piles. This process minimizes grading and concrete used on site, preserves topsoil and maintains the property's value for future agricultural use when the solar farm is no longer operational. The PV array would be installed at a fixed angle facing south in order to maximize exposure to solar energy.

Solar farms generate electricity from sunlight and do not require the use of conventional carbon based fuels to operate. Once constructed, solar farms produce electricity for the duration of their utility contract with minimal operation and maintenance costs. Because solar electricity generation is not subject to the fluctuating price of conventional finite fuel sources, solar farms can stabilize the future cost of electricity for rate payers. Solar energy also provides a means of producing electricity without the environmental degradation and public risk associated with the extraction, transportation and combustion of traditional fossil fuels. The proposed solar farm would offer a relatively benign clean and renewable generator of electricity for the residents and businesses of Catawba County.

Rezoning Support Statement

The proposed rezoning is consistent with the current land use pattern in the area. The R-80 Conditional designation would preserve the large lot size required by the current R-40 designation. The proposal maintains the rural character of the area while providing a means of income generation for the landowners and the county. The site is largely shielded from public view by topography and existing vegetation. Additional public and adjacent property shielding will be provided through vegetative buffering along the perimeter of the project.

Solar farms are good neighbors. They are low to the ground, unlit, quiet and, once constructed, generate less traffic than a typical residence. The low-level hum that is generated at a solar farm comes from the electrical components that deliver solar power to the grid. The sound generated is generally on the scale of background noise in the daytime at the fence boundary and diminishes as one moves further away until it is inaudible at 50-150 feet from the project boundary. No noise at all is generated at night,

1125 E. Morehead Street, Suite 206, Charlotte, NC 28204
704.644.7733 www.BirdseyeEnergy.com

when there is no sunlight to power the modules. The only traffic generated by the solar farm will be occasional visits for equipment service and grounds maintenance. No structures are planned and no employees will be hosted on site. The site will be fenced by an eight-foot security fence and there are no associated health risks for the community. Solar modules are engineered to absorb rather than reflect sunlight. This fact, combined with the southern orientation of the panels (away from NC 16), the proposed site's relatively isolated location and vegetative buffering alleviates any concerns for reflectance as a nuisance or as a safety issue for neighbors or people traveling near the project.

Solar farms provide a long-term stream of tax revenue for the county with very little demand for county services. The proposed project has an estimated Catawba County tax Net Present Value of approximately $100,000-$120,000 over 20 years. The proposed project will demand no waste management, sewage, water, public lighting or school seats.

The proposed solar farm will comply with all environmental rules and regulations. During construction, the project will conform to all stormwater and erosion control measures. Grading on site will be minimized in order to preserve topsoil for future agricultural uses and to alleviate soil erosion and sedimentation. After construction is completed the site will be seeded with North Carolina Department of Environment Natural Resources (NCDENR) recommended grasses to stabilize the site and promote biodiversity of plant and animal species. The wetland area at the center of the site will be preserved in its current state and will not be negatively impacted by the proposed project.

The proposed solar farm plan was developed in accordance with the Catawba County Unified Development Ordinance No. 2013-16.

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BIRDSEYE
RENEWABLE ENERGY

Apple One Solar Farm Decommissioning Plan

December 12, 2014

As required by Catawba County Ordinance No. 2013-16, the following Decommissioning Plan is submitted in support of the Rezoning Application.

- Per the lease agreement with landowner, decommissioning shall occur at the end of the land lease and shall be the full responsibility of the lessee, Apple One LLC.
    - Decommissioning will be initiated following any continuous 6 month period during which no electricity is generated.
- Per the lease agreement with the landowner, the land shall be fully restored to its pre-solar farm condition.
    - All above and below ground non-utility owned equipment, conduit, structures, fencing, roads and foundations shall be removed.
- Decommissioning of the solar farm will be completed within 6 months of a decommissioning initiating event.
- The anticipated lifespan of the solar farm is 50 years.
- According to the attached North Carolina licensed engineer certified cost estimate, the salvage value of the project will far outweigh the decommissioning costs. It is expected that the decommissioning project will be bid out to salvage professionals as a profit making enterprise, managed by Apple One, LLC.
    - The projected site restoration cost is $18,000 (current US dollars).
    - The projected site demo cost is $560,922.50 (current US dollars).
    - The projected salvage value is $1,019,303.60 (current US dollars).
    - The projected total net decommissioning cost is -$440,381.10 (current US dollars).
- Prior to issuance of a Zoning Compliance Certificate, Apple One LLC will provide Catawba County with a $50,000 performance guarantee to be held in full force and effect until the solar farm is decommissioned and site restoration is completed.

By: _____
Brian Bednar
Apple One LLC, Manager
Birdseye Manager LLC, President

1125 E. Morehead Street, Suite 206, Charlotte, NC 28204
704.644.7733 www.BirdseyeEnergy.com

Estimate of Probable Cost

Apple One Solar LLC
Site Decommissioning

Item	Total
Demo Cost	$560,922.50
Site Restoration Cost	$18,000.00
Salvage Costs	*$1,019,303.60*
Total Net Cost	**-$440,381.10**

Summary: The recycling value of the raw materials for the solar array will exceede the removal costs and provide a net gain of approx. $440,381.

Wesley Sherrill, PE

NORTH CAROLINA PROFESSIONAL SEAL 15471 ENGINEER WESLEY E. SHERRILL

Demo

Item No.	Item	Unit	Estimated Quantity	Unit Price	Total
1	Fence Removal	lf	6,545	$13.00	$85,085.00
2	Racking frames	ea	595	$500.00	$297,500.00
3	Racking Posts	ea	2,975	$6.50	$19,337.50
4	Solar Panels	ea	22,600	$4.00	$90,400.00
5	Inverters	ea	8	$1,500.00	$12,000.00
6	Transformers	ea	8	$1,200.00	$9,600.00
7	Wire (Copper)	lb	10,000	$0.50	$5,000.00
8	Wire (Aluminum)	lb	18,000	$0.50	$9,000.00
9	Concrete Removal	sf	5,500	$6.00	$33,000.00
				Demolition Cost	**$560,922.50**

Salvage Value

Item No.	Item	Qty	Weight	Unit	Estimated Quantity	Unit Price	Total
1	Steel Racking Posts: 2,975 posts @ 60lbs ea	2,975	60	lb	178,500	$0.16	$28,560.00
2	Aluminum Racking: 595 Racks @ 19.5 M each	595	1224	lb	728,280	$0.87	$633,603.60
3	Fencing		31600	lb	31,600	$0.15	$4,740.00
4	Solar Panels	22,600		ea	22,600	$14.00	$316,400.00
5	Inverters	8		ea	8	$2,500.00	$20,000.00
6	Transformers	8		ea	8	$2,000.00	$16,000.00
						Site Costs	**$1,019,303.60**

Item No.	Item	Unit	Estimated Quantity	Unit Price	Total
1	Site Restoration	ea	30	$600.00	$18,000.00
				Landscaping Cost	$18,000.00

Prices of 2014 November 12; Sign in to get today's prices.

UNITED STATES 6061 ALUM EXTRUSION PRICES (USD / LB)

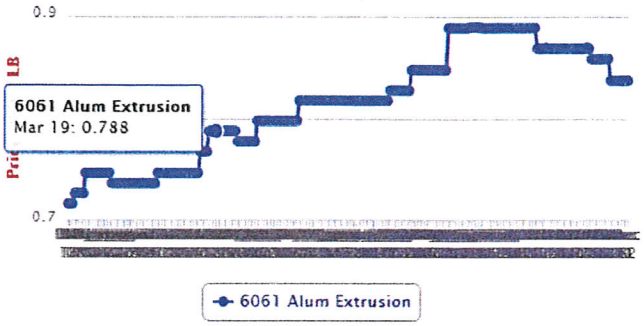
WEST COAST	MID WEST	SOUTH WEST
⬍ 0.873	⬍ 0.860	⬍ 0.863

TRADE COCA COLA, GOOGLE, AMAZON STOCKS AND MORE. OPEN YOU ACCOUNT NOW WITH HY MARKETS!

SHOW GRAPH From 2013-12-12 To 2014-12-12 GO

6061 Alum Extrusion Prices (USD / LB)

SCRAP REGISTER EAST COAST INDEX



Prices of 2014 November 12; Sign in to get today's prices.

UNITED STATES #1 HMS PRICES (USD / MT)

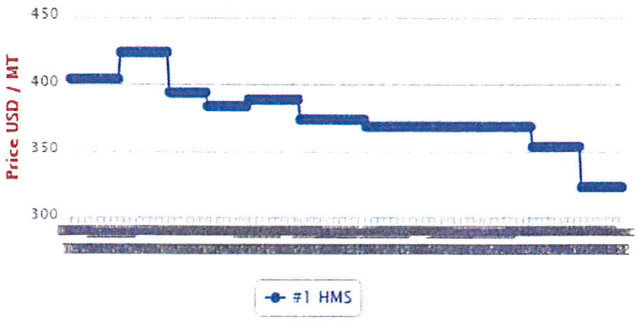
WEST COAST	MID WEST	SOUTH WEST
⬍ 355.250	⬍ 350.000	⬍ 354.250

TRADE COCA COLA, GOOGLE, AMAZON STOCKS AND MORE. OPEN YOU ACCOUNT NOW WITH HY MARKETS!

SHOW GRAPH From 2013-12-12 To 2014-12-12 GO

#1 HMS Prices (USD / MT)

SCRAP REGISTER EAST COAST INDEX



Apple One Solar Farm Lease Area and Easement Legal Descriptions

BEING LOCATED IN CALDWELL TOWNSHIP, COUNTY OF CATAWBA, STATE OF NORTH CAROLINA AND LYING ON THE SOUTH SIDE OF SOUTH NC HIGHWAY 16, NORTH OF THE INTERSECTION WITH PROVIDENCE MILL ROAD, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (REBAR) MARKING THE SOUTHERN MOST CORNER OF LOT 20 AS RECORDED IN PLAT BOOK 19, PAGE 185 (THE RONALD R. NULL, Jr. PROPERTY) AND BEING AN OLD CORNER OF TRACTS 2 AND 3 OF THE OWENBY PROPERTY DEED BOOK 2287 PAGE 1043, SAID REBAR BEING LOCATED SOUTH 30 DEG. 00 MIN. 56 SEC. WEST 724.10 FEET FROM AN EXISTING CONCRETE MONUMENT ON THE SOUTHERN MARGIN OF SOUTH NC HIGHWAY 16, THENCE LEAVING SAID BEGINNING POINT AND RUNNING NEW LINES THROUGH THE OWENBY PROPERTY THE FOLLOWING SIX (6) COURSES: 1) SOUTH 25 DEG. 23 MIN. 54 SEC. EAST A TOTAL DISTANCE OF 541.26 FEET TO AN IRON PIN SET (#4 REBAR) PASSING AN IRON PIN SET (#4 REBAR) AT 20.59 FEET MARKING THE WESTERN MARGIN OF A 30’ ACCESS AND UTILITY EASEMENT AND AN IRON PIN SET (#4 REBAR) AT 57.03 FEET MARKING THE EASTERN MARGIN OF THE 30’ ACCESS AND UTILITY EASEMENT, 2) THENCE SOUTH 52 DEG. 40 MIN. 29 SEC. WEST 465.40 FEET TO AN IRON PIN SET (#4 REBAR), 3) THENCE NORTH 68 DEG. 22 MIN. 27 SEC. WEST 137.77 FEET TO AN IRON PIN SET (#4 REBAR), 4) THENCE NORTH 87 DEG. 45 MIN. 12 SEC. WEST 590.15 FEET TO AN IRON PIN SET (#4 REBAR), 5) THENCE NORTH 84 DEG. 24 MIN. 03 SEC. WEST 180.47 FEET TO AN IRON PIN SET (#4 REBAR), AND 6) NORTH 79 DEG. 28 MIN. 47 SEC. WEST 104.29 FEET TO AN IRON PIN SET (#4 REBAR) IN THE LINE WITH JOEL A. SHAW DEED BOOK 2099 PAGE 634, SAID REBAR LOCATED NORTH 66 DEG. 25 MIN. 39 SEC. WEST 146.93 FEET FROM A FENCE POST IN A STREAM MARKING A CORNER WITH SHAW, THENCE WITH SHAW, NORTH 66 DEG. 25 MIN. 39 SEC. WEST 647.26 FEET TO A 15’ TREE, BEING THE SOUTHWEST CORNER OF TRACT 2 OF THE OWENBY PROPERTY, THENCE CONTINUING WITH SHAW, NORTH 17 DEG. 28 MIN. 01 SEC. EAST 1,031.51 FEET TO AN IRON PIN FOUND (AXLE) MARKING A CORNER WITH LOT 26 AS RECORDED IN PLAT BOOK 19 PAGE 185 (THE ANTHONY B. WATSON PROPERTY), THENCE WITH THE RECORDED PLAT, SOUTH 67 DEG. 43 MIN. 37 SEC. EAST 1,536.10 FEET TO THE POINT AND PLACE OF BEGINNING, BEING A PROPOSED NEW LEASED AREA CONTAINING 37.63 ACRES, MORE OR LESS AS SHOWN ON SURVEY ENTITLED “SURVEY OF PROPOSED LEASED AREA” DATED 8 DECEMBER 2014 BY GRAY SURVEYING COMPANY, INC.

BEING LOCATED IN CALDWELL TOWNSHIP, COUNTY OF CATAWBA, STATE OF NORTH CAROLINA AND LYING ON THE SOUTH SIDE OF SOUTH NC HIGHWAY 16, NORTH OF THE INTERSECTION WITH PROVIDENCE MILL ROAD, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET (#4 REBAR), ON A NEW LEASED LINE THROUGH THE OWENBY PROPERTY DEED BOOK 2287 PAGE 1043, SAID REBAR BEING LOCATED SOUTH 25 DEG. 23 MIN. 54 SEC. EAST 20.59 FEET FROM AN IRON PIN FOUND (REBAR) MARKING THE SOUTHERN MOST CORNER OF LOT 20 AS RECORDED IN PLAT BOOK 19, PAGE 185 (THE RONALD R. NULL, Jr. PROPERTY) AND BEING AN OLD CORNER OF TRACTS 2 AND 3 OF THE OWENBY PROPERTY DEED BOOK 2287 PAGE 1043, THENCE A NEW LINE THROUGH THE OWENBY PROPERY NORTH 30 DEG. 00 MIN. 56 SEC. EAST 612.53 FEET TO AN IRON PIN SET (#4 REBAR), THENCE NORTH 37 DEG. 38 MIN. 14 SEC. EAST 115.29 FEET TO AN IRON PIN SET (#4 REBAR) ON THE SOUTHERN MARGIN OF SOUTH NC HIGHWAY 16, THENCE WITH THE SOUTHERN MARGIN THE FOLLOWING TWO (2) CALLS: 1) SOUTH 47 DEG. 09 MIN. 28 SEC. EAST 73.08 FEET TO AN IRON PIN SET (#4 REBAR) AND 2) SOUTH 46 DEG. 02 MIN. 51 SEC. EAST 21.48 FEET TO AN IRON PIN SET (#4 REBAR), THENCE LEAVING THE MARGIN THROUGH THE OWENBY PROPERTY THE FOLLOWING FOUR (4) CALLS: 1) SOUTH 43 DEG. 03 MIN. 21 SEC. WEST 11.51 FEET TO AN IRON PIN SET (#4 REBAR), 2) NORTH 66 DEG. 38 MIN. 11 SEC. WEST 62.77 FEET TO AN IRON PIN SET (#4 REBAR), 3) SOUTH 40 DEG. 14 MIN. 19 SEC. WEST 70.16 FEET TO AN IRON PIN SET (#4 REBAR), AND 4) SOUTH 30 DEG. 00 MIN. 56 SEC. WEST 638.56 FEET TO AN IRON PIN SET (#4 REBAR) ON A NEW LEASED LINE, SAID REBAR LOCATED NORTH 25 DEG. 23 MIN. 54 SEC. WEST 484.23 FEET FROM AN IRON PIN SET (#4 REBAR) MARKING A CORNER OF THE NEW LEASED AREA, THENCE WITH THE NEW LEASED LINE, NORTH 25 DEG. 23 MIN. 54 SEC. WEST 36.44 FEET TO THE POINT AND PLACE OF BEGINNING, BEING A PROPOSED NEW 30’ ACCESS AND UTILITY EASEMENT AS SHOWN ON SURVEY ENTITLED “SURVEY OF PROPOSED LEASED AREA” DATED 8 DECEMBER 2014 BY GRAY SURVEYING COMPANY, INC.

Ordinance No. 2015-_____

AMENDMENT TO THE CATAWBA COUNTY ZONING MAP

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, that the Catawba County Official Zoning Atlas is hereby amended by rezoning the following described properties from R-40 Residential to R-80-CD Conditional District (RZ2014-06) for a solar farm.

> A portion of one parcel totaling approximately 37.63 acres located at 2951 South NC 16 Highway in the Balls Creek Small Area Planning District, Caldwell Township, and further identified by Parcel Identification Number 3659-20-81-5039.

PLAN CONSISTENCY STATEMENT:

Pursuant to NCGS 153A-341, the Catawba County Board of Commissioners finds the request to be consistent with low density depicted in Map 5 titled "Future Land Use Recommendations" of the Balls Creek Small Area Plan. The Board of Commissioners therefore finds the request reasonable for rezoning based upon:

1) The relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;
2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) as identified on the site plan;
3) The topography of the site, existing vegetation, and additional vegetation to be planted combine to offer minimal visibility of the site;
4) The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District; and
5) Additional area along the southern line being included in the lease to provide the required screening buffer (75' where no additional vegetation is planted).

This, the 16th day of February 2015.

_____

C. Randall Isenhower, Chair

Planning and Parks Department
PO Box 389
100 A Southwest Boulevard
Newton, NC 28658
828-465-8380
Fax: 828-465-8484
www.catawbacountync.gov/

ZONING MAP AMENDMENT CONSISTENCY STATEMENT

On February 16, 2015 the Catawba County Board of Commissioners conducted a public hearing for the purpose of considering a zoning map amendment to PIN 3659-20-81-5039 (Case #RZ2015-06). The applicant is Birdseye Renewable Energy. The property owners are Carol and Mellonee Owenby.

Upon considering the matter, the Catawba County Board of Commissioners finds the request to be consistent with low density depicted in Map 5 titled "Future Land Use Recommendations" of the Balls Creek Small Area Plan. The Board of Commissioners therefore finds the request reasonable for rezoning based upon:

1) The relatively low density pattern of the surrounding neighborhood; consistent with density required in the R-80 district (80,000 square feet, 2 acres), combined with conditional zoning designating a solar farm as the exclusive use;
2) The proposed development meeting the standards of Section 44-633 of the Unified Development Ordinance (UDO) as identified on the site plan;
3) The topography of the site, existing vegetation, and additional vegetation to be planted combine to offer minimal visibility of the site;
4) The UDO allowing for the consideration of solar farms as a permitted use in the R-80-CD Conditional District; and
5) Additional area along the southern line being included in the lease to provide the required screening buffer (75' where no additional vegetation is planted).

The Catawba County Board of Commissioners therefore approves the zoning map amendment. This approval was affirmed by a vote of ___-___ of the Catawba County Board of Commissioners.

_____
Presiding Officer

_____
Date

APPOINTMENTS

RANDY ISENHOWER (Past Due) <u>Repay, Inc. Board of Directors</u>
2 Vacancies
3-year terms
Chair Isenhower recommends the appointment of Michael Pastelak for a first term on the Repay Board of Directors. Mr. Pastelak's term will expire February 15, 2018.

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

RE: Contractor Prequalification Policy

DATE: February 16, 2015

Requested

The Finance and Personnel Subcommittee recommends adopting the attached Contractor Prequalification Policy.

Background

The North Carolina General Assembly amended North Carolina General Statute 143-135.8 which references prequalification of construction contractors. Catawba County has historically prequalified construction contractors for formal or other major projects and we use the State Construction office prequalification form and scoring matrix. The statute changes established specific procedural requirements for when and how local governments may prequalify construction contractors.

Prequalification is defined under the new G.S. 143-135.8(f)(2) as "a process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources and ability necessary to the faithful performance of a contract for construction or repair work."

The focus of the requirements is to ensure that a prequalification process is conducted using criteria that relate to the specific project being bid and which are applied objectively and fairly to all bidders. The new requirement also gives contractors an opportunity to learn why they were denied and ability to appeal the denial.

The local government must now adopt an objective prequalification policy applicable to all construction or repair work. We must also adopt the assessment tool and criteria to be used in prequalifying bidders for that specific project. The assessment tool must include scoring values and minimum required score for prequalification on that specific project.

The policy attached reflects our use of the State Construction prequalification form and scoring matrix. The policy also includes appeals procedure as required by the statute amendment.

Recommendation

The Finance and Personnel Subcommittee recommends approval of the attached contractor prequalification policy.

PREQUALIFICATION POLICY FOR BIDDERS FOR CONSTRUCTION PROJECTS

Enacted __February, 2015

General

The purpose of this prequalification process is to impartially evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower and equipment that it is qualified to bid on a Catawba County construction project, including prime contracts awarded by construction managers pursuant to the Construction Manager at Risk (CM at Risk) process. The award of contracts should be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful performance of public contracts.

The Purchasing Division, Construction Manager and Utilities and Engineering staff (if applicable) shall be responsible for prequalifying individual contractors to bid on Catawba County construction projects when the County believes prequalification is preferred. Catawba County is not required to prequalify contractors for any particular project or projects. However, a contractor shall not be allowed to submit a bid on construction projects subject to prequalification, unless it has been prequalified in accordance with this policy.

The construction manager and the purchasing staff shall use the State of North Carolina prequalification form and matrix for construction projects and shall use the State of North Carolina documents for prequalification of First-Tier Subcontractors under Construction Manager at Risk projects.

Notwithstanding the fact that a contractor was prequalified, the Board of Commissioners reserves the right to reject a contractor's bid if it is determined that the contractor has not submitted the lowest responsible and responsive bid. The prequalification of the contractor shall not preclude the Board of Commissioners from subsequently concluding that the contractor is not a responsible bidder pursuant to G.S. 143-129. The prequalification of a contract for a project shall only apply to the individual project. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract.

Application Process

The Purchasing Manager shall oversee the prequalification process for each individual project.

Each prospective bidder on contracts identified for prequalification by the County and all CM at Risk projects shall submit an application on the approved prequalification application form in order to become prequalified. The approved prequalification application form will require information to be provided on the ownership of the firm, experience of firm's personnel, any

affiliations with other construction firms, bonding capacity, financial resources, safety record, the type of work performed by the firm, and other objective criteria rationally related to the contract to be awarded.

The Purchasing Manager shall ensure that applications prepared for the projects comply with this policy and State law. The application is to be submitted by the deadline established in the notice of prequalification. The act of submitting the application does not permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of Catawba County.

The County shall use the State of North Carolina prequalification application which at a minimum, addresses the following items:

Organizational Structure – The firm shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form. Firms experiencing changes in ownership, organizational structure, or material changes in assets must inform Catawba County prior to the award of a contract. Failure of a firm to comply with this requirement may result in the termination of any contract awarded by Catawba County.

Classification – The firm shall indicate the type(s) of work the firm's workforce and equipment normally perform, licensure, and other pertinent information. The firm shall provide its HUB (Historically Underutilized Business) status.

Experience – The firm shall furnish information that documents the ability of the firm to undertake a project involving the type(s) of work for which prequalification is requested.

Financial – Firms will be required to provide a current annual financial statement (current within the previous 12-month period).

Litigation/Claims – Firms must provide information on its success at completing projects on time, including the payment of liquidated damages. The firm will be required to submit information regarding its litigation history, including litigation with owners.

Capacity – Firms shall demonstrate sufficient bonding capacity, insurance and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work. Firms shall also demonstrate an acceptable safety history for construction projects.

Legal Authorization – All firms must show that they are a valid legal entity and authorized to conduct business in the State of North Carolina and have all required licensure for the work to be performed.

Review of Application (Other than Construction Manager at Risk)

Prequalification Committee – The Purchasing Manager shall establish a committee to review and score applications including approving and denying prequalification (Prequalification Committee).

Review of Applications – The Prequalification Committee shall use the State of North Carolina's prequalification scoring matrix. This prequalification matrix includes prequalification scoring values and the minimum required score to be prequalified for the project. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

Notice of Decision – The firms shall be promptly notified of the Prequalification Committee's decision, including the reason for denial. Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to appeal the denial of the prequalification.

Review of Application – CM at Risk Projects

Prequalification Committee – The Construction Manager, Purchasing Manager and Facilities Manager shall agree upon the members of the Prequalification Committee. The Prequalification Committee will review prequalification applications submitted by the firms and will determine the firm's prequalification eligibility for CM at Risk. The Prequalification Committee shall use the State of North Carolina's Qualification Questionnaire for CM at Risk Projects.

Review of Applications – The Prequalification Committee shall use the State of North Carolina's Proposals, Evaluation, Selection and Award criteria for CM at Risk Projects. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by Catawba County. The Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.

Notice of Decision – The firms shall be promptly notified of the Prequalification Committee's decision, including the reason for denial. Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to appeal the denial of prequalification.

Appeals Procedure

The firm may appeal the denial of Prequalification as noted below:

Written Appeal – A written appeal may be filed via hand-delivery or e-mail to the applicable Prequalification Committee within three business days of receipt of notice that the firm has been denied prequalification. The written appeal shall clearly articulate the reasons why the firm is contesting the denial and attach all documents and additional information supporting the firm's position. The Prequalification Committee may contact the firm regarding the information provided prior to ruling on the appeal. If the Prequalification Committee is satisfied that the firm should be prequalified, the firm shall be notified that it is prequalified to

bid on the project and allowed to participate in the bid process. If the Prequalification Committee upholds its denial, the firm shall be promptly notified.

Hearing – The firm may appeal the Prequalification Committee's decision on the written appeal by requesting a hearing before the Facilities Director via hand-delivery or e-mail within three business days of the receipt of the Prequalification Committee's decision. The hearing shall be held prior to the receipt of bids and within five business days of receipt of notice of appeal. The firm shall be allowed to submit additional information with the written consent of the Facilities Director. In the event the Facilities Director is unable to hold a hearing in a timely manner, he/she may designate a County employee that is not a member of the Prequalification Committee to handle the appeal.

Decision – For projects bid by Catawba County, the decision of the Facilities Director or designee shall be final, and the firm shall be promptly notified of the decision. For CM at Risk projects, the decision of the Facilities Director or his designee shall be final. The Construction Manager and the Purchasing Manager shall review the recommended decision and issue a notice to the Prequalification Committee and the firm.

General Rules for Appeals – Firms submitting applications shall be provided an e-mail address for communication during the appeal process. The firm shall provide at least two e-mail addresses to communicate with. Any appeal and subsequent hearing shall be conducted prior to the receipt of bids.

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

RE: County Code Update – Chapter 8 (Buildings and Building Regulations)

DATE: February 16, 2015

Requested
The Finance and Personnel Subcommittee recommends changes to Chapter 8 of the County Municipal Code.

Background
Numerous changes in the General Statutes affecting construction and procurement were enacted during the 2013-14 legislative session.

Chapter 8 addresses school and county construction with Article I and II intended for schools and Article III for Catawba County. The edits incorporate new construction methods that both schools and local governments are now authorized to choose.

- Selection of Architect, Engineer, Surveying and Construction Manager at Risk Services
- E-Verify
- Payments – retainage language is added to reflect change in N.C.G.S. 143-134.1.
- Construction Methods
    - Separate (or Multi) Prime
    - Single-Prime
    - Dual Bidding (both Separate and Single Prime)
    - Construction Management at Risk
    - Design Building and Design-Build Bridging
    - Public-Private Partnership
- Prequalification of Contractors
- Emergencies
- Guaranteed Energy Saving Contracts
- Solid Waste Management and Sludge Management Facilities

Selection of Architect, Engineer, Surveying and Construction Manager at Risk Services
General Statute 143-64.31 states that the selection of architects, engineer, and surveying or construction manager at risk services must be done by a qualifications-based selection method. Previously, this statute permitted an exception for contracts less than $30,000 and for

particular contracts $30,000 and above. The County Manager had authority up to a fee up to $75,000 and the Board of Commissioners could approve any exception above $75,000. The statute now reads that no exceptions from the qualification based selection are permitted except for projects less than $50,000.

E-Verify

E-Verify is a free, web-based system operated by the U.S. Department of Homeland Security in partnership with the Social Security Administration that allows participating employers to electronically verify the legal employment status of new hired employees. Contractors are required to use E-Verify for their employees and their sub-contractor's employees for all formal construction and repair projects.

Payments

This section is updated to detail the G.S. 143-134.1 retainage requirements that have been in effect for several years.

Construction Methods

Separate Prime, Single Prime, Dual Bidding and Construction Manager at Risk are familiar construction methods. Design-Build contracts required local government to request the General Assembly to pass a local bill. Design-Build Contracts and Design-Build Bridging Contracts are now available to local governments.

Design-Build Requires:

1. Written criteria for the project
2. Publish a notice for Request for Qualifications
3. Rank the three most qualified respondents
4. Begin negotiations with the highest ranked
5. The selected design-builder must provide performance and payment bonds

Design-Build Bridging Requires:

1. Select a design professional to design up to 35% of the project
2. Publish notice for Request for Qualifications
3. Solicit bids based on partial completion of the design
4. Fees and cost estimates are solicited in the RFQ
5. Contract is awarded based on the lowest responsive, responsible bidder standard
6. Winning bidder must provide performance and payment bonds

Public Private Partnership Contracts allow a local government to contract with a private developer for a construction project where the developer must provide at least 50% of the financing of the total cost of the project. Summarized requirements:

1. May require developer to be responsible for some or all of the construction, purchase of materials and equipment, compliance with minority participation, and to use the same contractor(s) as the governmental unit

2. Performance and payment bonds required
3. Local Government Commission must approve if it is a capital or operating lease
4. Must make findings in writing at an open meeting that it has a critical need for the project
5. Development contract must specify the parties' property interests, development responsibilities, financing responsibilities, and good faith efforts
6. The development contract must be procured using qualification based selection process
7. May select one or more developers with whom to negotiate
8. Contract must be awarded at an open meeting after at least 30 days public notice and a public hearing

Prequalification of Contractors

Prequalification of contractors is optional, and Catawba County regularly prequalifies general contractors for major construction projects. G.S. 143-135.8 established specific procedural requirements for when and how local governments may prequalify construction contractors. Under the new version of G.S. 143-135.8, the use of prequalification is limited to construction or repair projects that are bid under the single-prime, separate prime or dual bidding methods. The statute now requires the local government to adopt an objective prequalification policy applicable to all construction or repair work. (Prequalification policy is submitted for approval under separate memorandum.)

Emergencies

General Statute 143-129(e)(2) allows for construction and repair work arising from situations that involve the public's health and safety to be exempt from competitive bidding requirements.

Guaranteed Energy Savings Contracts (GESC)

A GESC is a contracting and financing method for the repair and upgrade of existing buildings that involve energy-saving improvements where the total cost of the contract is paid for with the energy savings and the contractor guarantees the amount of energy savings over the life of the contract. A special Request for Proposal process is required for advertising, evaluating and award.

Solid Waste Management and Sludge Management Facilities

A special Request for Proposal process may be used for the design, operation and construction of solid waste and sludge management facilities under G.S. 143-129.2.

Recommendation

The Finance and Personnel Subcommittee recommends approval of the Code changes to Chapter 8 Buildings and Building Regulations.

Chapter 8 - BUILDINGS AND BUILDING REGULATIONS

FOOTNOTE(S):

--- (**1**) ---

Cross reference— Fire prevention and protection, ch. 18; lakes, waterways and parks, ch. 20; manufactured home parks, ch. 26; solid waste management, ch. 32; construction and demolition debris (C&D) landfills, § 32-66 et seq.; streets, sidewalks and other public places, ch. 34; subdivisions, ch. 36; water and sewer, ch. 42; zoning, ch. 44; nonconformities, § 44-256 et seq. (Back)

State Law reference— Building code council and state building code, G.S. 143-136 et seq.; authority of county to levy taxes for building inspection, G.S. 153A-149(c)(26). (Back)

ARTICLE I. - IN GENERAL

FOOTNOTE(S):

--- (**2**) ---

State Law reference— Technical code promulgated by public agency may be adopted by reference by county, G.S. § 153A-47. (Back)

Sec. 8-1. - Building code adopted.

The provisions of ~~G.S. §§ 143-136 through 143-143.4~~Article 9 of Chapter 143 of the North Carolina General Statutes entitled~~,~~ Building Code Council and Building Code, are hereby adopted as the laws governing and applying to building, general remodeling, and construction of all kinds in the county.

(Code 1995, § 507.01)

State law reference— Building code and building code council, G.S. 143-136 et seq.; state building code applicable throughout the state, G.S. 143-138(e).

Sec. 8-2. - North Carolina Rehabilitation Code adopted.

In accordance with the provisions of Senate Bill 633, enacted and ratified during the North Carolina General Assembly's 2001 session, the 2002 edition including all subsequent amendments of the North Carolina Rehabilitation Code (NCRC) is hereby adopted by reference as fully as though set forth herein.

(a) All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

(b) If this section or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section, which can be given separate effect, and to this end the provisions of this section are declared be severable.

(c) This section shall be enforced as provide in G.S. 153A-123 or as provided in the Catawba County Code of Ordinances. All criminal sanctions shall be the maximum allowed by law.

(d) This section shall become effective on the first day of January 2004.

(Ord. No. 2003-23, 11-17-2003)

Secs. 8-3—8-25. - Reserved.

ARTICLE I~~I~~. ~~—~~ DESIGN AND SURVEYING~~ARCHITECTURAL~~ PROCEDURES FOR SCHOOL ~~CONSTRUCTION~~ AND CATAWBA COUNTY CONSTRUCTION

~~Sec. 8-26. - Purpose.~~

~~To clarify general procedures for architects to follow in working with boards of education located in the county on building projects, certain basic steps shall be taken as set forth in this article.~~

(Code 1995, § 508.01)

~~Sec. 8-27. - Architectural fees.~~

~~The architectural fee shall be negotiated by the board of education with the selected architectural firms based on the complexity of the construction project and experience of the firm to handle such commission of work.~~

(Code 1995, § 508.02)

~~Sec. 8-28. - Architectural contract.~~

~~Normally, the contract provided under this article will be American Institute of Architects (A.I.A.) Document No. B-141, latest edition. The construction budget for the project shall be verified by the owner with the county and will be furnished the architects by the owner. This budget should be exclusive of any other cost and is money to be used for the construction of the building. It is the architect's total responsibility to keep his project within this amount, and the work bid will be expected to reflect the architect's interpretation of what can be done within the funds available. Where questions arise as to the amount of work which can be accomplished within the expenditure of funds available, agreement should be reached with the board of education as to alternatives available to fit the situation.~~

(Code 1995, § 508.03)

~~Sec. 8-29. - Architectural procedures.~~

~~Upon commission, every architect will be furnished with a copy of the guide in this article by the school superintendent to be used in the performance of services, as commissioned. If the architect should have any questions, he should seek an answer as soon as possible upon beginning work on the project. Questions should be directed to the school superintendent.~~

(Code 1995, § 508.04)

~~Sec. 8-30. - Contract documents' time schedule.~~

~~(a) Architects will be expected to furnish the owner a realistic time schedule for their work as soon as the scope of the school construction project has been determined. This is to be done in writing to the school superintendent with a copy to the director of finance and will be used to determine occupancy dates for students. It is imperative that the architect give serious consideration to this schedule and that it be adhered to during preparation of all drawings and documents.~~

~~(b) The architect will be expected to furnish the owner and director of finance with drawings as set forth in the contract and as indicated elsewhere in the guide in this article.~~

~~(c) With all information in hand or in process, the architect should meet with the school officials and go over the project to ascertain the needs of the school. The officials will be able to give the architect some indication of priority of spaces within the construction budget for the project. The architect should make every effort to work in accordance with the request of the board of education and superintendent. Final decisions will be made in a discussion session with all parties involved.~~

~~(d) The architect, along with the school superintendent, shall meet with the division of school planning to ascertain its views and recommendations prior to any preliminary work being done.~~

~~(Code 1995, § 508.05)~~

~~Sec. 8-31. - Schematic plans.~~

~~Schematic plans of the school construction project shall then be prepared and furnished in triplicate to the owner for review. The architect will then be notified when this review is complete, and a meeting will be arranged by the superintendent with the board of education, the division of school planning, and any other persons who may be involved in the project. The board of education will give written authorization to the architect to proceed with design development drawings within budgeted funds.~~

~~(Code 1995, § 508.06)~~

~~Sec. 8-32. - Design development drawings.~~

~~(a) For the purposes of this article, design development drawings shall consist of floor plans, elevations, cross sections indicating typical structural systems, ceiling heights and other pertinent information. Mechanical system types must be described along with general finishes of the interior and exterior of the building. Outline specifications should be submitted to the division of school planning in Raleigh for comments and to the school superintendent's office for review at the same time.~~

~~(b) It is important, at the design development stage, that the architect furnish a cost estimate for the project. If, in the architect's opinion, funds are not sufficient to accomplish all work shown, he should indicate this in writing so that provisions can be made for alternatives.~~

~~(c) After proper approval by the superintendent and division of school planning, the design and development drawings are presented to the board of education. Under no condition is any architect to proceed into working drawings until approval has been given by the board of education. The school superintendent will instruct the architect, in writing, that he is authorized to proceed into working drawings.~~

~~(Code 1995, § 508.07)~~

~~Sec. 8-33. - Working drawings.~~

~~(a) As approval is received by the architect to proceed into working drawings of the school construction project, he will submit a firm time schedule to the board of education in writing for completion of drawings with a tentative bid date. He will be expected to work within this schedule.~~

~~(b) At the completion of construction documents, the architect will submit complete sets of all plans and specifications to the school superintendent for final review of all phases of the work. Submission to the division of school planning is required by state law for approval before bids are received. Written approval must be in the hands of the superintendent or the board of education before bids are received. The school board will set a final review conference with the architect, superintendent, and other officials as it sees fit.~~

~~(Code 1995, § 508.08)~~

~~Sec. 8-34. - Bids.~~

~~When bids are received pursuant to this article, the architect is to furnish the board of education with copies of the certified bid tabulations.~~

~~(Code 1995, § 508.09)~~

~~Sec. 8-35. - Construction contracts.~~

~~(a) As soon as official board of education action has been taken under this article, the architect will be notified of the action. The architect will prepare contracts on standard American Institute of Architects (A.I.A.) forms and distribute them to the proper contractors for signature. As soon as they have been executed by officers of the companies, they will be returned to the school superintendent. Contracts shall have all required insurance endorsements attached.~~

~~(b) The contracts must be reviewed by the board of education attorney and signed by the chairperson and secretary of the board of education. The school superintendent will return the signed contracts to the architect for distribution to the contractors.~~

~~(Code 1995, § 508.10)~~

~~Sec. 8-36. - Progress schedule.~~

~~(a) Immediately after execution and delivery of the contract and before the first partial payment is made under this article, the contractor shall deliver to the architect an estimated construction progress schedule in a form satisfactory to the architect. The schedule will show the proposed dates of commencement and completion of each of the various subdivisions of work required under the contract documents and the anticipated amount of each monthly payment that will become due the contractor in accordance with the progress schedule. The contractor shall also furnish the following:~~

~~(1) A detailed estimate giving a complete breakdown of the contract price; and~~

~~(2) Periodic itemized estimates of work done for the purpose of making partial payments thereon.~~

~~(b) The costs employed in making up any of these schedules will be used only for determining the basis of partial payments and will not be considered as fixing a basis for additions to or deductions from the contract price. A copy of the schedule for projecting cash requirements and reconfirming that the project is properly budgeted shall be furnished to the director of finance by the architect.~~

~~(Code 1995, § 508.11)~~

~~Sec. 8-37. - Preconstruction conference.~~

~~The architect will arrange a preconstruction conference of all contractors as soon as possible after the bids have been approved under this article. It is important that the architect, contractors, job superintendents, school superintendent, and the like attend this conference to make all parties aware of any peculiarities of the project.~~

~~(Code 1995, § 508.12)~~

~~Sec. 8-38. - Construction phase.~~

~~(a) During the construction of the project pursuant to this article, the architect will be expected to file with the school superintendent monthly field inspection reports along with monthly payment requests from the contractors. The architect shall also forward a copy to the director of finance.~~

~~(b) The architect is to also furnish copies of all approved change orders to the director of finance with the reports.~~

~~(Code 1995, § 508.13)~~

~~Sec. 8-39. - Payments.~~

~~(a) The owner shall make a progress payment to the contractor on the basis of a duly certified and approved estimate of the work performed during the preceding calendar month under the contract as provided in this article. However, to ensure the proper performance of this contract, the owner should retain ten percent of the amount of each estimate (progress payment) until final completion and acceptance of all work covered by the contract. The contractor shall have his estimate approved by the architect. These estimates (progress payment requests) are to be submitted to the school superintendent and he, in turn, will forward them to the director of finance for payment to the board of education.~~

~~(b) In preparing estimates the material delivered on the site and preparation work done may be taken into consideration.~~

~~(Code 1995, § 508.14)~~

~~Sec. 8-40. - Inspections.~~

~~(a) At the substantial completion stage of the work on the school construction project, the architect will be expected to schedule a semifinal inspection, during which time he will prepare a punch list of incomplete items or items which have not been done to his satisfaction or his engineers' satisfaction. The board of education and the superintendent should be notified of the time and date of this inspection so that their representatives can be present. After all items have been corrected in accordance with the punch lists provided the contractors by the architect, notification is to be given to the school superintendent that the project has been completed. At this time, an official final inspection will be held with members of the board of education, the superintendent, a representative of the division of school planning, as well as any other interested school officials. This inspection is required under the statutes so that a recommendation that the building be accepted can be made at a formal meeting of the board of education.~~

~~(b) It is not expected that during this formal inspection the school officials will be called upon to take the time to write up a punch list of improperly done work. This should be done by the architect and his engineers at a prior inspection.~~

~~(c) After formal acceptance of the building by the board of education and correction of all punch list items, the architect and all engineers involved in the project will be expected to furnish the board of education with a certificate stating that the project has been constructed in accordance with the plans and specifications. This statement, along with statements from all contractors, including lien waivers and warranties, must be submitted along with the contractors' statements and final certificates before final payment can be made and the project closed out.~~

~~(Code 1995, § 508.15)~~

Secs. 8-41—8-65. - Reserved.

~~ARTICLE III. - ARCHITECTURAL, ENGINEERING, SURVEYING AND CONSTRUCTION MANAGEMENT-AT-RISK PROCEDURES~~

Sec. 8-1~~6~~6. - Purpose; scope.

(a) The purpose of this article is to clarify general procedures for agencies to follow in working with their respective boards located in the county on construction projects. Certain prerequisite steps shall be taken as set forth in this article. These ~~do not~~ apply to Catawba Valley Medical Center, Catawba Valley Community ~~College, nor~~College, and the three public school systems in the county ("Owner").

(b) The Owner~~county~~ will announce all the requirements for architectural, engineering, surveying and construction management-at-risk services, to select firms qualified to provide such services on the basis of demonstrated competency and qualifications for the type of professional services required, without regard to fee, other than unit price information. Selection of a firm shall include the use of good faith efforts to notify minority firms of the opportunity to submit qualifications for consideration.

(c) County projects. The director of facilities is designated as project manager for all county building construction projects, and the procedures set forth in this article shall be used to coordinate the efforts of all parties involved in any such project. The director of utilities and engineering shall be designated as project manager for all county construction projects involving solid waste, wastewater, sewer, and potable water facilities. Any proposed changes in the estimate, as a result of bids or otherwise, shall be reported by the director of facilities or the director of utilities and engineering, as appropriate, who shall present his recommendation to the board of commissioners prior to the advertising of bids. When compiled and approved by user agencies, all projects must conform to the county design and construction specifications.

(d) Plans and specifications must be prepared by a ~~-~~registered ~~registered~~ architect or engineer or both depending on the project for:

(1) New construction or repairs involving major structural or foundation changes when the expenditure is $135,000.00 or more;

(2) Repairs not involving structural or foundation changes when the expenditure is $300,000.00 or more; ~~or~~

(3) Work affecting life safety systems when the expenditure is $100,000.00 or more; or~~.~~

(4) Construction of, or additions to, public buildings or State-owned and operated utilitlies.

The term "life safety system" means a system that involves the safety and welfare of building occupants, such as fire alarm and sprinkler systems.

(e) A certificate of compliance with the building code must be obtained for projects that are not required to be designed by an architect or engineer. A certificate of compliance is not required for any project that does not alter life safety systems and has a projected cost of less than $100,000.00.

(f) Minority participation for building construction projects (formal bids). Contractors, including first-tier subcontractors on construction management-at-risk projects, must identify on their bids the minority businesses they will use on the project and the total dollar value of the bid that will be performed by minority businesses. Contractors must also include an affidavit listing the good faith efforts they have

made. If contractors intend to perform all of the work with their own forces, they may submit an affidavit with an explanation.

(g) After bids are received, the apparent lowest responsible bidder must provide either:

(1) An affidavit describing the portion of the work to be executed by minority businesses, expressed as a percentage of the total contract amount showing a percentage equal to or more than the applicable goal on the project; or

(2) Documentation of good faith efforts to meet the goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

(h) Within 30 days after a contract is awarded, the successful contractor must list all identified subcontractors that will be used on the project. Failure to provide the affidavit or documentation required to demonstrate good faith efforts is grounds for rejection of a bid.

(i) A subcontractor may not be replaced except:

(1) When the subcontractor's bid is determined to be nonresponsible or nonresponsive or the subcontractor refuses to enter into a contract for the complete performance of the work; or

(2) With the approval of the county for good cause.

(j) When selecting a substitute contractor, the contractor must make and document good faith efforts. See Minority-Owned, Woman-Owned, and Disadvantaged-Owned Outreach Plan and Guidelines.

(Code 1995, § 508.30)

Sec. 8-1~~6~~7. - Fees.

(a) ~~(a)~~ *Architectural, engineering, surveying or construction management-at-risk fees.* Architectural, engineering, surveying or construction management-at-risk fees shall be negotiated by ~~the director of facilities or the director of utilities and engineering with the~~the owner with the selected architect, engineer or surveyor. ~~selected architectural, engineering or surveying firm based on a reasonable and fair fee with the best qualified firm. The director of facilities or the director of utilities and engineering will recommend to the board a fee consistent with current practices~~. If a contract cannot be negotiated with the highest ranked firm, negotiation with the firm shall be terminated and new negotiations initiated with the next highest ranked firm based on qualifications, references and experience with similar projects. Subsequent contracts shall be presented to the respective board for approval.

(b) *Exemption from architectural, engineering and surveying fees for county projects.*. The county will exempt all projects from subsection (a) of this section where an estimated professional fee is an amount less than $~~3~~50,000.00~~ or where special circumstances would dictate it in the best interest of the county~~. ~~Exceptions for professional fees up to $75,000.00 can be approved only by the county manager, at the request of the director of facilities or the director of utilities and engineering. The board of commissioners shall approve any professional fee of $75,000.00 or more. The directors shall make any such request for exception in writing, the county manager's response shall be in writing, and any relevant documentation shall be retained in the project file.~~

(Code 1995, § 508.31)

Sec. 8~~1~~-2~~6~~8. - Architectural, engineering or surveying contract.

Prior to commencement of services on any project under this article, the architect, engineer or surveyor must execute a mutually acceptable contract with the appropriate ~~director~~owner for those services. The construction budget for a project shall be certified by the ~~director of facilities or the director of utilities and engineering,~~owner who shall provide the architects or engineers/surveyors with a copy thereof. Funds appropriated for a particular project must be used exclusively for that project. It is the

architect's, engineer's or surveyor's responsibility to keep a project within budget. The work bid must reflect the architect's or engineer's opinion about what can be done within the budget. Where questions arise as to the amount of work which can be accomplished within the budget, an agreement must be reached with the ~~director of facilities or the director of utilities and engineering~~owner concerning acceptable alternatives, if any. Alternatives that cannot be completed within the project budget or that are beyond the scope of the original project shall be discussed with the respective owner's board~~ of commissioners~~.

(Code 1995, § 508.32)

Sec. 8-1~~6~~9. - Procedures.

Upon execution of an agreement under this article, every architect, engineer, surveyor, and construction management-at-risk will be furnished with a copy of this article which shall be used in the performance of commissioned services. Any preliminary questions or concerns which the architect, engineer or surveyor might have must be resolved with the appropriate director prior to commencement of services on any project.

(Code 1995, § 508.33)

Sec. 8-2~~7~~0. - Contract documents' time schedule.

(a) Under this article, architects, engineers or surveyors must furnish the ~~county~~owner a realistic time schedule for their work as soon as the scope of the project has been determined. This is to be done in writing to the ~~director of facilities or director of utilities and engineering with a copy to the county manager~~owner. It is imperative that this schedule be adhered to during preparation of all drawings and documents.

(b) The architect or engineer must furnish the ~~director of facilities or director of utilities and engineering and~~owner and affected department officials with drawings as set forth in the contract and as indicated elsewhere in this article.

(c) After assimilating all appropriate information and documentation for the proposed project, the architect, engineer or surveyor shall meet with the ~~appropriate director~~owner and affected department official to finalize the plans for the project.

(Code 1995, § 508.34)

Sec. 8~~2~~-3~~7~~1. - Schematic plans.

For the purposes of this article, schematic plans shall be prepared and furnished in triplicate to the ~~director of faculties or director of utilities and engineering~~owner for review. The architect or engineer will be notified when the review is complete, and a meeting will be arranged by the ~~director~~owner. The meeting shall include all persons involved in the project. ~~The director~~The owner will give written authorization to the architect or engineer to proceed with design development drawings within budgeted funds. The respective boards ~~of commissioners~~ shall review schematics for all major building projects.

(Code 1995, § 508.35)

Sec. 8-2~~7~~2. - Design development drawings.

(a) Under this article, design development drawings may consist of floor plans, elevations, cross sections indicating typical structural systems, ceiling heights and other pertinent information. Mechanical system types must be described along with general finishes of the interior and exterior of any building.

(b) During the design development stage, the architect or engineer must furnish a written cost estimate for the project. If, in the architect's or engineer's opinion, budgeted funds are not sufficient to accomplish all work specified, a written report must be furnished to the director, who in his exclusive discretion shall determine whether and how to modify the project or terminate the project.

(c) After proper approval by the ~~director of faculties or director of utilities and engineering and the agency officials~~owner, the design and development drawings are presented to the respective board ~~of commissioners. Under~~Under no condition is any architect or engineer to proceed into working drawings until approval has been given by the respective board~~ of commissioners~~. The ~~director of facilities or director of utilities and engineering~~owner will provide written notification of board~~ of commissioner~~ authorization.

(Code 1995, § 508.36)

Sec. 8-2~~7~~3. - Working drawings.

(a) Upon receipt of written approval to proceed under this article, the architect, engineer or surveyor shall prepare working drawings which must include the following:

(1) A firm time schedule within which work must be completed; and

(2) A projected bid date.

(b) Upon completion of all plans and specifications, the architect or engineer will submit complete sets ~~thereof~~ to the ~~director of facilities or director of utilities and engineering~~owner, the department of insurance~~,~~ and other applicable agencies for final review.

(Code 1995, § 508.37)

Sec. 8-2~~7~~4. - Prebid conference.

For county building construction projects, the ~~county~~owner's staff and the architect, engineer or construction manager-at-risk shall conduct a prebid conference to explain the project and minority business requirements to prospective bidders.

(Code 1995, § 508.38)

Sec. 8-2~~7~~5. - Bids.

The architect, engineer or surveyor must submit a detailed synopsis of all bid responses received pursuant to this article to ~~the director~~the owner. The ~~director~~owner will present the bid recommendation to the respective board~~ of commissioners~~, ~~who have~~which has sole and exclusive authority to award contracts.

(Code 1995, § 508.39)

Sec. 8-2~~7~~6. - Construction contracts.

(a) Upon notification from the board~~ of commissioners~~ as provided in this article, the architect, engineer or surveyor shall present a contract, which has been approved by the ~~director~~owner, to the successful bidder. For execution, an original of a fully executed contract, which must include all required insurance endorsements, mediation rules and contractor safety policy, shall be given to the ~~director~~owner prior to commencement of work under any such contract.

(b) County projects. The contracts must be reviewed by an attorney for the county, approved by the board of commissioners, and signed by the director of finance and the county manager. The director of facilities or director of utilities and engineering will return the signed contracts to the architect or engineer for distribution to the contractors.

(c) For any formal construction and repair project, the contractor and the contractor's subcontractors shall comply with the requirements of Article 2 of chater 64 of the General Statutes which requires E-Verify of all employees to document legal status.

(Code 1995, § 508.40)

Sec. 8-2~~7~~7. - Progress schedule.

Immediately after execution and delivery of the contract as provided in this article, but before the first partial payment is made, the contractor shall deliver to the architect or engineer and the ~~director of facilities or director of utilities and engineering~~owner an estimated construction progress schedule in a form satisfactory to the architect or engineer and the director. It will show the proposed dates of commencement and completion of each of the various subdivisions of work required under the contract and the anticipated amount of each monthly payment that will become due the contractor in accordance with the progress schedule. The contractor shall also furnish the following:

(1) A detailed estimate, giving a complete breakdown of the contract price; and

(2) Periodic itemized invoices for work done for the purpose of receiving payment ~~thereof~~.

(Code 1995, § 508.41)

Sec. 8-2~~7~~8. - Preconstruction conference.

The architect or engineer will arrange a mandatory preconstruction conference of all contractors as soon as possible after the bids have been approved under this article. It is important that the architect or engineer, contractors, job superintendents, and the ~~directors of facilities and utilities and engineering~~owner attend this conference so that all parties can discuss any peculiarities of the project.

(Code 1995, § 508.42)

Sec. 82~~-7~~9. - Construction phase.

During construction pursuant to this article, the architect or engineer will prepare and file, at a minimum, monthly field inspection reports with the ~~director of facilities or director of utilities and engineering~~owner, along with monthly payment requests from the contractors, when applicable.

(Code 1995, § 508.43)

Sec. 8-3~~8~~0. - Payments.

(a) When applicable under this article, the county or school shall make progress payments to a contractor on the basis of a duly certified and approved invoice for work performed during the preceding calendar month. ~~However, to ensure the proper performance of the contract, the county shall retain ten percent of the amount of each invoice until completion and acceptance of all work covered by the contract~~ Until the project is 50% complete the owner cannot retain more than 5% per periodic payment owed to the prime contractor. When the project is 50% complete, no further retainage is allowed as long as performance is satisfactory. When a certificate of substantial completion is issued or upon beneficial occupancy, all remaining retainage must be released, although the owner may retain up to 2-1/2 times the value of remaining work to secure completion or correction of that work. "Line-item" release of retained funds is required for "early finishing trades" (subcontractors who complete 100% of their work before the project is 50% complete) In addition to these requirements, the owner may also withhold additional amounts in certain instances generally involving unsatisfactory performance and defective workmanship (G.S. 143-134.1). The contractor shall have his invoice approved by the architect or engineer and shall submit the invoice to the ~~director of facilities or director of utilities and engineering~~owner not later than two days prior to the end of each month. Such invoices will be reviewed by the ~~director~~owner and, if approved, placed in line for payment to the contractor by the fifth day of the following month. The ~~director~~owner will maintain records by project, indicating contract prices and budgeted amounts. All change orders must be processed following the procedure as indicated in section 8-~~82~~42

(b) In preparing invoices, material delivered to the construction site, together with preparation work done, shall be taken into consideration.

(c) The contractor shall submit with each monthly pay request and final payment the form entitled "Minority Business Enterprise (MBE) Documentation for Contract Payment" for the architect's or engineer's review.

(d) The architect or engineer shall review MBE Documentation for Contract Payment found in the Minority Guidelines and Outreach Plan for compliance with minority business utilization commitments. The architect or engineer shall submit documentation for contract payment forms with monthly pay applications and copies to the ~~county~~owner.

(Code 1995, § 508.44)

Sec. 8-~~8~~31. - Inspections.

(a) At the substantial completion stage of the work on the project under this article, the architect or engineer will be expected to schedule a semifinal inspection, during which time he will prepare a punch list of incomplete items or items which have not been done to his satisfaction. The ~~director of facilities or director of utilities and engineering and the agency officials~~owner should be notified of the time and date of this inspection so that their representatives can be present. After all items have been corrected in accordance with the punch lists provided to the contractors by the architect or engineer, notification shall be given to the ~~director~~owner that the project has been completed. At this time, a final inspection will be held with ~~the agency officials, director of facilities or director of utilities and engineering,~~the owner ~~as well as any other interested officials~~.

(b) After formal acceptance of the completed project by ~~the director of facilities or director of utilities and engineering~~the owner, the architect and engineers involved in the project shall furnish the ~~director~~owner with a certificate stating that the project has been completed in accordance with the plans and specifications. This statement, along with final statements and certificates from all contractors, including lien waivers and warranties, must be submitted before final payment is made and the project closed. The ~~director of facilities and director of utilities and engineering~~owner shall review final statements to ensure compliance with the project's budget.

(Code 1995, § 508.45)

Sec. 8-~~8~~42. - Contingencies and change orders.

All change orders made pursuant to this article shall be prepared by the architect or engineer and approved by the ~~director of facilities or director of utilities and engineering and the county manager~~owner prior to any such work being done. For county projects, ~~C~~change orders shall be approved by the department head only if sufficient funds are available within the project budget.

(Code 1995, § 508.46)

Sec. 8-~~3~~83. - Project completion and warranty.

All work done under this article shall be warranted for no less than one year. All manufacturing and material warranties shall be submitted to the director of facilities or director of utilities and engineering prior to semifinal inspection. All wastewater, sewer, potable water and building design as-built drawings shall be submitted to the director of facilities of the director of utilities and engineering within 120 days following project completion.

(Code 1995, § 508.47)

Sec. 8-~~8~~34. - ~~Construction management-at-risk.~~Construction Methods.

For building construction projects costing more than $300,000 the owner can only use the following statutory authorized c construction methods. The owner may choose, at its discretion, the specific method it wishes to us (G.S. 143-128).

(a) Separate (or Multi) Prime. The owner accepts bids separately and awards to the lowest responsive, responsible bidder for each category of work for which separate specifications are

required. Each contractor is directly responsible to the owner and to other contractors for full performance of his/her contract.

(b) Single-Prime. The owner accepts bids from general contractors for the entire project and award to the lowest responsive, responsible bidder, and the general contractor contracts with subcontractors for branches or divisions of work on the project. The bidders must identify on their bids the subcontractors for HVAC, electrical, plumbing and general work. Once the contract is awarded, the general contractor is directly responsible to the owner, and subcontractors are directly responsible to the general contractor.

(c) Dual bidding (both Separate- and Single-Prime). The owner may choose to accept both separate-prime and single prime bids for the same project, and then award the contract to the lowest responsive, responsible bidder in either category. In determining whether to award on a separate-prime or single-prime basis, the owner may consider the costs of construction oversight, time for completion, and other factors it deems appropriate.

(d) Construction Management at Risk (CM@R). Under a construction management at risk contract, the construction manager, who must be a licensed general contractor, provides construction management services such as preparing and coordinating bid packages and construction administration, and guarantees the cost of the project. The construction manager at risk acts as the fiduciary of the owner in handling and opening bids and awarding contracts. While the construction manager manages the project, plans and specifications must be drawn by a licensed architect or engineer who contracts directly with the owner. The construction manager at risk contract is covered by the Mini-Brooks Act and must be selected using the qualification based selection method (G.S. 143-1289.1, G.S. 143-64.31-32).

(e) Design-Build (DB) and Design-Build Bridging (DBB). Under these construction delivery methods, the design-builder contracts to provide both design services (architectural and engineering) and construction services under one contract. A design-build contract is subject to a specific statutory request for qualification process and the design-builder is initially selected based on qualifications, not estimated costs of the contract. Consistent with the Mini-Brooks Act (G.S. 143-64.31), contract costs can only be negotiated under the best qualified design-builder is initially selected (G.S. 143-128.1A).

(f) A design-build bridging contract differs from a design-build contract in two primary ways. First the owner contracts separately with a project designer to design 35% of the project and

contracts with a design-builder to complete project design and perform construction services. Second, the design-build contract is awarded to the lowest responsive, responsible bidder based on estimated costs of performing general contract conditions, design services, and construction service. Design-builders submit these cost estimates with their bids (G.S. 143-128.1B)

(g) Public-Private Partnership (P3). Under this contracting method, the owner contracts with a private develop to jointly develop a capital construction project. The developer is selected on qualifications through a competitive request for qualifications process and is required to finance at least 50% of the project cost (G.S. 143.1C).

(h) Alternative methods. Alternative construction methods are only allowed for building and construction and repair contracts costing $300,000 or more if approved by the State Building Commission or by legislative action. Alternative construction methods can be used for building construction and repair projects costing less than $300,000 as well as all non-building construction and repair projects regardless of cost. (G.S. 143-128(a1)(5), G.S. 143-135.26(9).

~~(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:~~

~~*Construction management-at-risk services* means services provided by a person who:~~

~~(1) Provides construction management services for a project throughout the preconstruction and construction phases;~~

~~(2) Is licensed as a general contractor; and~~

~~(3) Guarantees the cost of the project.~~

~~*Construction management services* means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services and construction administration.~~

~~*Construction manager-at-risk* means a person who provides construction management-at-risk services.~~

~~*First-tier subcontractor* means a subcontractor who contracts directly with the construction manager-at-risk.~~

~~(b) *Selection of construction manager-at-risk.* The construction manager-at-risk shall be selected in accordance with G.S. 143, article 3D. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer.~~

~~(c) *Process.* The construction manager-at-risk shall contract directly with the county for all construction, shall publicly advertise as prescribed in G.S. 143-129, and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The prequalification criteria shall be determined by the county and the construction manager-at-risk and must address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the county. The county shall require the construction manager-at-risk to submit his plan for compliance with G.S. 143-128.2 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager-at-risk and first-tier subcontractors shall make a good faith~~

~~effort to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2. A construction manager-at-risk may perform a portion of the work only if:~~

~~(1) Bidding produces no responsible, responsive bidder for that portion of the work; the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work; or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner; and~~

~~(2) The county approves of the construction manager-at-risk's performance of the work.~~

~~All bids shall be opened publicly and, once they are opened, are public records as defined in G.S. ch. 132. The construction manager-at-risk shall act as the fiduciary of the county in handling and opening bids. The construction manager-at-risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the county and advertised as part of the bid solicitation. The county may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager-at-risk is compensated for any additional cost incurred.~~

~~(d) *Dispute resolution.* When contracts are awarded pursuant to this section, the county shall provide for a dispute resolution procedure as provided in G.S. 143-128(g).~~

~~(e) *Bond.* The construction manager-at-risk shall provide a performance and payment bond to the county in accordance with the provisions of G.S. 44A-25 et seq.~~

~~(f) *Report by facilities director.* The facilities director shall report to the secretary of administration all construction management-at-risk contracts. The report must include the following information:~~

~~(1) A detailed explanation of the reason why the particular construction manager-at-risk was selected.~~

~~(2) The terms of the contract with the construction manager-at-risk.~~

~~(3) A list of all other firms considered but not selected as the construction manager-at-risk and the amount of their proposed fees for services.~~

~~(4) A report on the form of bidding utilized by the construction manager-at-risk on the project.~~

~~(Code 1995, § 508.48)~~

~~Sec. 8-85. - Reporting requirements.~~

~~(a) County staff shall report to the secretary of the department of administration the cost and effectiveness of the method used in this article. Reports shall include the following information:~~

~~(1) The method used;~~

~~(2) The total value of each project;~~

~~(3) The bid costs and relevant post-bid costs;~~

~~(4) A detailed listing of all contractors and subcontractors used on the project, including identification of whether the contractor was an out-of-state contractor; and~~

~~(5) When an out-of-state contractor was used, the reasons why the contractor was selected.~~

~~(b) The reports must be filed annually beginning April 1, 2003, and thereafter must be filed in the year in which the project is completed.~~

(Code 1995, § 508.49)

Sec. 8-~~86~~35. - Dispute resolution.

Dispute resolution procedures are available for all building construction and repair projects under this article. The dispute resolution procedures are available to all parties involved in the construction project, including the architect, the construction manager and the contractors, including all levels of

subcontractors, and it must be available for any issue arising out of the contract or construction process so long as the matter in dispute is $15,000.00 or more. See the county's dispute resolution policy.

(Code 1995, § 508.50)

Section 8-36 – Prequalification of Contractors.

Prequalification is defined under G.Sl. 143-38.8(f)(2) as "(a) process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work."

Prequalification is prohibited unless all the requirements below are met (G.S. 143-135.8(b):

(a) Using one of the construction methods authorized in G.S. 143-128(a1(1) through G.S. 143-128(a1)(3) (single-prime, separate-prime or dual bidding).

(b) The governing body adopts an objective prequalification policy applicable to all construction or repair work; the policy must be adopted prior to advertising the contract for which the governmental entity intends to prequalify bidders.

(c) The owner adopts the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for the prequalification on that project.

Sec. 8-37 – Emergencies

Construction and repair work arising from situations involving public health and safety is exempt from competitive bidding requirements. Use of this exception should be limited to situations involving an imminent or immediate threat to public health and safety; the exception is not allowed if the local government can complete with competitive bidding requirements without exacerbating the threat to public health and safety or damage to property. (G.S. 143-129(e)(2)

Sec. 8-48 Guaranteed Energy Saving Contracts (GESC) – A GESC is a contracting and financing method for the repair or upgrade of existing buildings (not new construction) that involve energy-saving improvements where the total cost of the contract is paid for with the energy savings, and the contractor guarantees the amount of the energy savings over the life of the contract. A special request for proposal process is required for advertising, evaluating and awarding a GESC. (G.S. 143-64.17,-64.17A,-674-17B; G.S. 143-129(e)(8).

Section 8-49 Solid Waste Management and Sludge Management Facilities – in lieu of competitive bidding procedures, a special request for proposal process may be used for the design, operation and construction of solid waste and sludge management facilities. (G.S. 143-129.2)

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

RE: County Code Update – Chapter 30 (Purchasing)

DATE: February 16, 2015

Requested

The Finance and Personnel Subcommittee recommends approval of County Code Chapter 30 updates.

Background

Chapter 30 of the County Code was last updated in 2011. Some minor revisions are requested to reflect changes in General Statutes and current practices.

- Added Design-Build and Design Build Bridging construction method.
- Added E-Verify requirement for formal construction contracts.
- Revised disbursement voucher requirements to reflect electronic processes.

Recommendation

The Finance and Personnel Subcommittee recommends changes to Chapter 30 of the County Code as attached.

Chapter 30 - PURCHASING

FOOTNOTE(S):

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Editor's note—Ord. No. 2011-07, adopted June 20, 2011, amended ch. 30 in its entirety and enacted similar provisions as set out herein. The former ch. 30 derived from Ord. No. 2005-10, adopted Sept. 6, 2005.

Cross reference— Administration, ch. 2. (Back)

State Law reference— Authority of county to enter into multiyear contracts, G.S. 153A-13. (Back)

Sec. 30-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative contracting method means local governments can seek authority to modify bidding requirements for particular projects, specifically design-build projects for building construction.

Appropriation means an authorization granted by the board of commissioners to make expenditures and to incur obligations for specific purposes.

Appropriation account means a budgetary account set up to record specific authorizations to spend. The account is credited with original and any supplemental appropriations and is charged with expenditures and encumbrances.

Bid means a quotation specifically given a prospective purchaser upon request, usually in competition with other vendors.

Budget document means the instrument used by the budget-making authority to present a comprehensive financial program to the appropriating body.

Construction management-at-risk means services are provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services and construction administration.

Contract means a legal agreement between the county and another governmental agency, company, corporation, individual or group of individuals obligating the county to pay money for services rendered or products.

Department/agency head means the highest level of supervision and coordination within a program area.

Design-Build means the design-builder contracts to provide both design services (architectural and engineering) and construction services under one contract.

Design-Build Bridging means the local government contracts separately with a project designer to design 35% of the project and contracts with a design-builder to complete project design and perform construction services.

Dual bidding means bids may be received to erect, construct, alter or repair a building under both the single-prime and separate-prime contracting systems, and the contract shall be awarded to the lowest responsible bidder under the single-prime or the lowest responsible bidder under the separate-prime system.

Electronic auction means an auction of surplus property conducted on an internet site.

Design Builder means an appropriately licensed person, corporation, or entity that, under a single contract, offers to provide or provides design services and general contracting services.

E-Verify Local Governments are prohibited from contracting for formal construction projects with a contractor that has not submitted documentation he/she has used the E-Verify program to insure their employees and sub-contractor's employees are not illegal immigrants and are legally employed.

Fiscal year means a 12-month period of time to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations.

Force account means work performed by county employees that would ordinarily be performed by outside contractors.

Information technology means electronic data-processing goods and services and telecommunications goods and services, microprocessors, software, information processing, office systems, and related services and consulting or other services for design or redesign of information technology supporting business processes.

Minority business means a business of which at least 51 percent is owned by one or more minority persons or socially and economically disadvantaged individuals or, for a corporation, in which at least 51 percent of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals, and of which the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it.

Petty cash means a sum of money set aside for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check would be too expensive and time-consuming or where the use of a procurement card is not feasible.

Preaudit means an examination for the purpose of determining the propriety of proposed financial transactions and financial transactions which have already taken place but which have not yet been recorded or, if such approval is required, before the approval of the financial transactions by designated officials for recording.

Purchase order means a legal document binding a vendor to provide a service or product and the county to pay a specified price.

Purchasing manager means one who purchases for another; one who is authorized by a county to negotiate contracts with vendors.

Quote means to state a price for goods or services.

Separate-prime means bids for building projects are received for each subdivision of work:

(1) Heating, ventilating and air conditioning;

(2) Plumbing;

(3) Electrical; and

(4) General.

Request for Qualifications means a process of evaluating and determining whether potential bidders have the sill, judgment, integrity, sufficient financial resources and ability necessary to the faithful performance of a contgract for construction or repair work.

Single-prime means bids for building projects are received from one contractor. The single-prime contractor performs all work or contracts with subcontractors for heating, ventilating and air conditioning; plumbing; and electrical.

Sole-source item means when an item is of such a special nature that it is only manufactured by one company.

Surplus property means items which are obsolete or are no longer of any value to the county.

Unencumbered balance means that portion of an appropriation which has not been expended or obligated through issuance of a purchase order.

Vendor means one who sells a commodity or a service.

Voucher means a document which evidences the propriety of transactions and indicates the accounts against which they are to be recorded.

(Ord. No. 2011-07, 6-20-2011)

Cross reference— Definitions generally, § 1-2.

Sec. 30-2. - Jurisdiction; authority.

(a) The securing of goods and services necessary to the operation of county government is a major administrative responsibility. Under the supervision of the finance director, this function of county government is the primary responsibility of the purchasing office.

(b) Statutory provisions regulating purchasing by local governments are contained primarily in G.S. 143-129—143-135. Other specific duties, responsibilities and authorities are contained in G.S. chs. 14, 44, 66, 75, 87, 105, 153, 160A, and 159, the Local Government Budget and Fiscal Control Act. By virtue of these statutes, the county is empowered to enter into contracts for the procurement of materials and services. The board of commissioners has full budget authority to sign such contracts. Authority to sign contracts for procurement of supplies and services has been delegated to the county manager.

(c) Prior to (i) entering into any agreement, (ii) making any purchase, the county must first have funds appropriated to meet financial obligations. Contracts or purchase orders requiring the payment of funds, for supplies or materials, may not be made unless a proper appropriation appears in the budget and a sufficient unencumbered balance remains in the appropriation.

(Ord. No. 2011-07, 6-20-2011)

State law reference— Budgetary accounting for appropriations, G.S. 159-28.

Sec. 30-3. - Purpose.

(a) The purchasing function is a service-oriented activity. As such, it exists to serve the needs of operating departments/agencies in county government.

(b) This chapter makes reference to statutory provisions of state law. The provisions contained in this chapter reflect the current laws. It is intended that these provisions will always duplicate whatever changes occur in state law, and such provisions will be administratively updated at that time.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-4. - Responsibility of purchasing manager.

(a) The basic responsibilities of the purchasing manager are to:

(1) Purchase goods and materials in accordance with established law and local policy; and

(2) Operate a consolidated purchase function for the county.

(b) The purchasing manager has the responsibility to advise of the suitability, quality or quantity of equipment, material or supplies requested and can refer such requests to the finance director and county manager for approval. The purchasing office is charged with obtaining vendor quotations, terms, delivery codes, initiating contracts, initiating and completing all formal and informal bid proceedings, maintaining an accurate inventory of central supply, disposing of surplus property in accordance with resolutions of the board of commissioners and issuing purchase orders.

(c) Any participation in the purchasing process by departments must be with the full knowledge and agreement of the purchasing manager.

(d) All state and local governmental officers and employees are prohibited from entering into any contracts involving the units they serve when any such officer or employee or a firm in which he has a financial interest has a private interest in the contract, except when that private interest:

(1) Involves a bank or banking institution, a savings and loan association, or a regulated utility; or

(2) Provides supplies, services, or facilities to needy persons under state and federal aid programs.

(Ord. No. 2011-07, 6-20-2011)

State law reference— Participation of a public officer in business transactions involving public funds, G.S. 14-234.

Sec. 30-5. - Departmental working relationship.

(a) As a service agency for the county, it is the desire of the purchasing office to establish and maintain at all times a close working relationship with each department. It is essential that an attitude of mutual cooperation and understanding exist between the user department and the purchasing office. The following guidelines will promote mutual assistance:

(1) The user departments should:

a. Maintain a close check on supplies and stock.

b. Forecast any future purchasing requirements.

c. Request well in advance of needs whenever possible.

d. Eliminate all unnecessary emergency or rush purchasing.

e. Alert purchasing regarding late deliveries.

f. Examine items received for quality, quantity, and the like.

g. Report promptly to the purchasing office any deviations in orders received.

h. Submit by written memorandum complaints against vendors.

i. Indicate to purchasing the exact needs of the user department when equipment or special orders requiring written specifications are involved.

j. Forward a copy of quotes obtained to the purchasing office for the purpose of maintaining a record.

(2) The purchasing office should:

a. Check with user departments on needs when placing consolidated orders.

b. Inform departments of contracts that might be utilized.

c. Advise departments of predicted shortages, price changes or other pertinent market or vendor data.

d. Expedite emergency purchases as rapidly as possible in order that normal operations of a department not be disrupted.

e. Contact vendors on late deliveries and report findings to ordering departments.

f. Mediate between the user department and the supplier on partial deliveries, cancellation, return of merchandise, and complaints.

g. Consult with the originating department when technical equipment, special order specifications, plans or designs are involved.

h. Inform the ordering department head and/or his delegate of formal or informal prebid conferences and bid openings.

i. Review with department head the bids and prices received; consider their preference before making recommendations for award or purchase.

(b) From the initial request to delivery of the order, the purchasing office should coordinate all action toward accomplishing the desired goal for efficient procurement of items/services requested by county departments. Only through a harmonious working association can the purchasing office effectively function as a support service for the departments.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-6. - Local buying.

According to G.S. 143-129(b) the county has no authority to establish preferences of any kind and is bound by law to award to the "lowest responsible bidder, taking into consideration quality, performance and time specified in the proposals for the performance of the contract."

However, it is the desire of the county to contract with vendors and contractors located within Catawba County whenever possible. The purchasing division shall update departments of new local vendors and contractors and encourage departments to obtain quotes from local vendors when appropriate.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-7. - Formal bids.

All formal bids will be sent out by the purchasing manager as the authorized representative of the county. Bids will be opened and tabulated by the purchasing manager. When architects or engineers are employed to perform this service on construction bids, the purchasing manager should be present at openings when possible, receive copies of the public notice and bids and prepare a recommendation for the award of a bid. Certain requirements must be followed in the formal bid process:

(1) Written specifications must be prepared. Efficient purchasing practices require buying in accordance with carefully developed specifications. For purchases of fairly standard items, development of elaborate specifications is not necessary, but simple, standard specifications are in order. Good, clear specifications are an essential aspect of competitive bidding. Quality and service are as important as price; therefore, specifications are needed that will fulfill but not exceed the requirements for which the items and/or services are intended. A general policy should be followed which would encourage the purchasing of a good, standard product which represents the best relationship between quality and price while providing a satisfactory level of service. Specifications are prepared by the purchasing office with input from the ordering department to ensure that the products purchased fill the need. A lengthy specification designed solely for the purpose of eliminating competition, other than those able to supply a particular brand name, will not be permitted. Brand names should be used only when no other product would be satisfactory.

(2) Bids must be advertised for prospective bidders. Advertisements must be published on the county's web site so there are seven full days between the date of the publication and the date

of the opening of the bids. It will be purchasing's responsibility to maintain a vendor list and notify all parties on the vendor list for applicable projects. The advertisement must contain the time and place where plans and specifications may be obtained and the time and place for opening of the proposals. On all construction contracts, the advertisement must also contain a notice that bidders must be properly licensed under G.S. ch. 87.

(3) Prospective bidders must submit sealed bids. Unless the invitation to bid states differently, bids must be sealed and the contents must not be disclosed or exhibited prior to the time set for the bid opening.

(4) Except under the conditions in subsections (4)a. and b., the board of commissioners must accept bids and award contracts. Bid results must be presented to the board of commissioners for acceptance and award. The board of commissioners reserves the right to reject any or all proposals.

a. The county manager is authorized to award formal bids for purchase contracts in amounts less than $250,000.00 within the following guidelines:

1. The bid is awarded to the lowest responsible bidder.

2. Sufficient funding is available within the department.

3. The purchase is consistent with the goals and/or outcomes of the department.

4. Project is approved in the budget.

The county manager is further authorized to reject any and/or all bids received less than $250,000.00 if it is in the best interest of the county. A report shall be made to the board of commissioners of all bids awarded and rejected under this subsection and entered in the minutes of its formal sessions

b. Bids may be rejected for any reason determined by the board or the county manager, under his authority, for any reason determined to be in the best interest of the unit. However, the bid shall not be rejected for the purpose of evading the provisions of G.S. 143-129.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-8. - Request for proposal (RFP).

Requests for proposals (RFPs) are normally used in lieu of formal bids when the services of a professional are required by the county, including, but not limited to, accountants (CPAs), attorneys, and doctors. Certain procedures must be followed when utilizing the request for proposals:

(1) Requests for proposals should be drawn up by the appropriate department with the assistance of the purchasing office in such manner as the department deems appropriate to solicit responses from providers.

(2) The request for proposals should be distributed to potential contractors by the purchasing office.

(3) After the purchasing manager and the department have evaluated the request for proposals and decided on a particular individual or firm, a contract and purchase order will be issued. If a contract is used, it must first be sent to the legal department to approve as to form and to finance director for preaudit.

(4) The request for proposals process may also be used for the purchase of information technology goods and services. In such cases, the process must meet the following minimum requirements:

a. Notice of the request for proposals shall be given in accordance with G.S. 143-129(a).

b. Contracts shall be awarded to the person who or entity that submits the best overall proposal as determined by the awarding authority. Factors to be considered in awarding

contracts shall be identified in the requests for proposals. The "best value" process as stipulated in G.S. 143-135.9 may be used to award the contract. The term "best value procurement" means the selection of the contractor based on a determination of which proposal offers the best trade-off between price and performance, where quality is considered an integral performance factor.

c. County staff may negotiate with any proposer in order to obtain a final contract that best meets the needs of the county. Negotiations allowed under this section shall not alter the contract beyond the scope of the original request for proposals in a manner that:

1. Deprives the proposers or potential proposers of a fair opportunity to compete for the contract; and

2. Would have resulted in the award of the contract to a different person or entity if the alterations had been included in the request for proposals.

Proposals submitted under this section shall not be subject to public inspection until the contract is award pursuant to G.S. 143-129.8.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-9. - Evaluation.

(a) *Selection committee.* The purchasing manager will work with the department head that has primary responsibility for the items/services being procured and will designate the selection committee chairperson and members. The size of the selection committee is dependent on the nature and scope of the project.

(b) *Evaluation criteria.* Evaluation criteria are the factors used to determine which proposal best meets the requirements identified in the RFP. In establishing effective evaluation criteria, a department must clearly identify the factors relevant to its selection of a vendor and then prioritize or weigh these factors according to their importance in satisfying the established criteria. Together, the proper identification and weighing of the evaluation criteria will form an evaluation plan, which will provide a common standard by which to judge the merit of competing responses. This allows ranking the proposals while simultaneously providing respondent's with a fair basis for comparison. Evaluation criteria should be individually tailored to each RFP. Evaluation criteria should reflect the department's minimum needs and should not be so restrictive as to limit competition. Evaluation criteria often encompass such factors as price or cost, technical excellence, management capability, personnel qualifications, experience and past performance. While price or cost must be included and will be a factor, price or cost need not be the deciding factor in all acquisitions.

(c) *[Evaluation of responses.]* Responses should be evaluated based on predefined criteria and weighting methods. In most cases, the evaluation criteria are to be published in the RFP document but not their associated values and weights. RFPs involving information technology goods and services (G.S. 143-129.8) are required to include the criteria in the RFP document.

(d) *[Evaluation committee.]* The evaluation committee should meet to distribute proposals, review evaluation methods, scoring sheets, and discuss the scoring and review process. Once the proposals have been evaluated and scored by each evaluator, the committee should meet again and the following events should occur:

(1) A master-scoring sheet should be compiled with the total score for each proposal by each evaluator or the committee as a whole, depending on the evaluation method used.

(2) Oral presentations or demonstrations may be needed in certain cases for clarifications or if additional information is needed. These sessions will be conducted using the following guidelines:

a. All members of the evaluation committee should be present during oral presentations and interviews.

b. Time limits for oral presentations will be equal in length.

c. Interviews are to be conducted and controlled by the selection committee chairperson.

No information concerning a vendor's response or the evaluation progress will be provided to anyone outside the evaluation process or other county staff. Questions concerning the dissemination of information should be directed to the purchasing manager.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-10. - Formal bid and request-for-proposal monetary limits.

(a) *When required.* Formal procedures must be followed when the purchase requires an estimated expenditure of $90,000.00 or more. For construction, repairs and renovation, formal bid procedures must be followed if the project requires an estimated expenditure of $500,000.00 or more, except where the work is to be done by county personnel (force account) and the total cost of the project will not exceed $125,000.00, including all direct and indirect costs, or if the labor does not exceed $50,000.00. Bidding requirements will still apply to apparatus, supplies, materials or equipment purchased for use on force account projects. Force account labor must be approved by the board of commissioners, and a record of all costs must be maintained for public inspection.

(b) *Minority contractors; separate specifications and contracts.* If the cost for the construction of a building is estimated at $300,000.00 or more, the county has established a five-percent goal for participation by minority contractors in the total value of work for which a contract is awarded pursuant to G.S. 143-128. In addition, for projects totaling $300,000.00 or more, separate specifications and contracts must be prepared for the following areas of work:

(1) Heating, ventilating, air conditioning and accessories and/or refrigeration for cold storage (where the cooling load is 15 tons or more of refrigeration);

(2) Plumbing and gas fittings and accessories;

(3) Electrical wiring and installations; and

(4) General work not included in the three areas in subsections (1) thorough (3).

(c) *Contracting methods.* For building construction or building repair projects $300,000.00~~$300,000.00~~ and above, bids may be received by using (i) single-prime, (ii) separate-prime, (iii) dual bidding, (iv) construction management-at-risk contract or (v) alternative contracting methods authorized pursuant to G.S. 143-135.26(9) in accordance with the following:

(1) *Single-prime.* All bidders in a single-prime project shall be required to identify on their bid the contractors they have selected for the subdivisions or branches of work for: heating, ventilating, and air conditioning; plumbing; electrical; and general. The contract shall be awarded to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, and compliance with G.S. 143-128.2. A contractor whose bid is accepted shall not substitute any person as subcontractor in the place of the subcontractors listed in the original bid, except:

a. If the listed subcontractor's bid is later determined by the contractor to be nonresponsible or nonresponsive, or the listed subcontractor refuses to enter into a contract for the complete performance of bid order; or

b. With the approval of the board of commissioners for good cause shown by the contractor.

When a contract is awarded using the single-prime method, the county shall make the dispute resolution process available to subcontractors.

(2) *Separate-prime.* Bids shall be accepted for each subdivision of work for which specifications are required to be prepared, and bids shall be awarded separately to responsible and reliable persons regularly engaged in their respective lines of work. Each separate contractor shall be directly liable to the county and to the other separate contractors for the full performance of all

duties and obligations due under the terms of the contract. Contracts shall be awarded to the lowest, responsible, responsive bidders, taking into consideration quality, performance, the time specified in the bids for performance of the contract and compliance with G.S. 143-128.2.

(3) *Dual bidding.* Bids may be received to erect, construct, alter or repair a building under both the single-prime and separate-prime contracting systems, and the contract shall be awarded to the lowest responsible, responsive bidder under the single-prime system or to the lowest responsible, responsive bidder under the separate-prime system, taking into consideration quality, performance and compliance with G.S. 143-128.2 and time specified in the bids to perform the contract. In determining the system under which the contract will be awarded to the lowest responsible, responsive bidder, the cost of construction oversight, time for completion, and other factors the county considers appropriate may be considered. The bids received as separate-prime bids shall be received, but not opened, no less than one hour prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by that subcontractor under the separate-prime system.

(4) *Construction management contracts.*

a. *Construction management services.* The term "construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.

b. *Construction management-at-risk services.* The term "construction management-at-risk services" means services provided by a person who:

1. Provides construction management services for a project throughout the preconstruction and construction phases;

2. Is licensed as a general contractor; and

3. Guarantees the cost of the project.

c. *Construction manager-at-risk.* The construction manager-at-risk shall contract directly with the county for all construction, shall publicly advertise, and shall prequalify and accept bids from first-tier subcontractors for all construction work. The construction manager-at-risk shall address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the county. The county shall require the construction manager-at-risk to submit its plan for compliance with G.S. 143-128.2 for approval by the board of commissioners prior to soliciting bids for the project's first-tier subcontractors. A construction manager-at-risk and first-tier subcontractors shall make a good faith effort to recruit and select minority businesses for participation in contracts pursuant to G.S. 143-128.2. A construction manager-at-risk may perform a portion of the work only if:

1. Bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible bidder will not execute a contract for the bid portion of the work or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner; and

2. The county approves of the construction manager-at-risk's performance of the work.

d. *Design-Build and Design-Build Bridging.* The design-builder contracts to provide both design services (architectural and engineering) and construction services under one contract. Design-Build is subject to Request for Qualification and is initially selected based on qualifications. A design-build bridging contract is when the local government contracts separately with a project designer to design 35% of the project and contracts with a design-builder to complete project design and perform

construction services. A design-build bridging contract is awarded to the lowest responsive, responsible bidder based on estimated costs of performing design and construction services.

All bids shall be opened publicly and once they are opened are public records. The construction manager-at-risk shall act as the fiduciary of the county in handling and opening bids. The construction manager-at-risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for the performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the county and advertised as part of the bid solicitation. The county may require the selection of a different first-tier subcontractor for any portion of the work, provided the construction manager-at-risk is compensated for any additional cost incurred. When contracts are awarded using this method, the county shall provide for a dispute resolution procedure as provided in G.S. 143-128(g). The construction manager-at-risk shall provide a performance and payment bond to the county.

(5) *Alternative contracting method.* Local governments can seek authority to modify bidding requirements for particular projects, specifically design-build projects for building construction.

(d) *Performance and payment bonds.* When a project exceeds $300,000.00, performance and payment bonds are required for each contract that exceeds $50,000.00. No bid for construction or repair work valued at $300,000.00 or above may be considered or accepted unless, at the time of the submittal, it is accompanied by a deposit in the form of cash or certified check, in an amount equal to not less than five percent of the proposal. In lieu of making a cash deposit, the bidder may file a bid bond executed by a corporate surety licensed under the laws of the state. The successful contractor shall be required to submit performance and payment bonds to secure the faithful performance of the terms of the contract and the payment of all sums due for labor and materials.

(e) *Reporting requirements.* County staff shall report to the secretary of the department of administration the cost and effectiveness of the method used under this section. Reports shall include the following information:

(1) The method used;

(2) The total value of each project;

(3) The bid costs and relevant post bid costs;

(4) A detailed listing of all contractors and subcontractors used on the project, including identification of whether the contractor was an out of state contractor; and

(5) When an out-of-state contractor was used, the reasons why the contractor was selected.

The reports must be filed annually beginning April 1, 2003, and thereafter must be filed in the year in which the project is completed.

(f) *Dispute resolution for building construction projects.* The county shall provide dispute-resolution procedures for all building construction or repair projects. The dispute-resolution procedures are available to all parties involved in the construction project, including the architect, the construction manager, and the contractors, including all levels of subcontractors, and are available for any issue arising out of the contract or construction process as long as the matter in dispute is $15,000.00 or more. See dispute-resolution policy.

(g) *Minority participation for building construction projects (formal bids).*

(1) Contractors, including first-tier subcontractors on construction management-at-risk projects, must identify on their bids the minority businesses they will use on the project and the total dollar value of the bid that will be performed by minority businesses. They must also include an affidavit listing the good-faith efforts they have made. If contractors intend to perform all of the work with their own forces, they may submit an affidavit.

(2) After bids are received, the apparent lowest responsible bidder must provide either:

a. An affidavit describing the portion of the work to be executed by minority businesses, expressed as a percentage of the total contract amount showing a percentage equal to or more than the applicable goal on the project; or

b. Documentation of good-faith efforts to meet the goal, including any advertisements, solicitations, and evidence of other specific actions demonstrating recruitment and selection of minority businesses for participation in the contract.

(3) Within 30 days after a contract is awarded, the successful contractor must list all identified subcontractors that will be used on the project. Failure to provide the affidavit or documentation required to demonstrate good faith efforts is grounds for rejection of a bid.

(4) A subcontractor may not be replaced except:

a. When the subcontractor's bid is determined to be nonresponsible or nonresponsive or the subcontractor refuses to enter into a contract for the complete performance of the work; or

b. With the approval of the county for good cause.

When selecting a substitute contractor, the contractor must make and document good faith efforts. See guidelines and minority outreach plan, on file in the county offices.

(Ord. No. 2011-07, 6-20-2011)

(h) *E-Verify required for construction contracts*

All contractors and their respective sub-contractors shall provide E-Verify Affidavits for any formal construction project prior to contracting with the County.

State law reference— Authority of county to lease real property and to employ county personnel under certain circumstances, G.S. 153A-165, 143-135.

Sec. 30-11. - Formal bid exceptions.

Formal bids are not required for the following:

(1) State of emergency. The board of commissioners may set aside the normal requirements in an emergency involving the health and safety of people or their property. In such cases, the board of commissioners may let contracts as necessary in its discretion.

(2) If a contract for the purchase, lease or other acquisition of any apparatus, supplies, materials or equipment is with the:

a. United States of America or any agency thereof; or

b. Any other governmental unit or agency thereof within the United States.

(3) A project is exempt from formal bidding if it is a construction project that will not cost more than $125,000.00, including all direct and indirect costs, or if the labor does not exceed $50,000.00 and the work is to be done by the forces of the governmental unit involved. Bidding requirements will still apply to apparatus, supplies, materials or equipment purchased for use on force account projects. Force account labor must be approved by the board of commissioners, and a record of all costs must be maintained for public inspection.

(4) Exemption from bidding is allowed for purchases from contractors who have, within the past 12 months, contracted to furnish the desired item to the federal government or any federal agency, another state government or agency, another local government or agency. The contractor must be 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. A prior contract must have been let under public bidding process substantially similar to G.S. 143-129, and the board of commissioners must approve the contract at a regular meeting on ten days' notice, notwithstanding delegation of authority to award contracts. Notice may be published by electronic means.

(5) Purchases made through a competitive bidding group purchasing program, which is a formally organized program that offers competitively bid purchasing services at discount prices to two or more public agencies.

(6) Purchases using contracts established by the state or any agency of the state, if the contractor is willing to extend to a political subdivision of the state the same or more favorable prices, terms, or conditions as established in the state contract.

(7) Purchase of used apparatus, supplies, materials, or equipment. For purposes of this subsection, remanufactured or refabricated apparatus, supplies, materials, or equipment are not deemed to be "used," and are not included in this exception.

(8) Guaranteed energy savings contracts, which are governed by G.S. 143-64.10 et seq.

(9) Purchase of information technology using contracts established by the state office of information technology services as provided in G.S. 147-33.82(b) and 147-33.92(b).

(10) Purchase of gasoline, diesel fuel, alcohol fuel, motor oil, fuel oil, or natural gas. These purchases are subject to G.S. 143-131.

(11) In accordance with G.S. 143-129, single-source items are exempt from bid procedures when performance or price competition for a product is not available, when a needed product is available from only one source of supply, or when standardization or compatibility is the overriding consideration. This subsection requires action by the board of commissioners notwithstanding delegation of authority to award contracts and requires a record of justification for use of the exemption.

(Ord. No. 2011-07, 6-20-2011)

State law reference— Exemptions from formal bid requirements, G.S. 143-129, 143-135.

Sec. 30-12. - Informal bids.

(a) Informal bids are distinguished from formal bids by the following:

(1) The dollar amount to be purchased is less than $90,000.00 or construction/repair work for expenditures is less than $500,000.00.

(2) Written specifications are not required.

(3) Advertising for bids is not necessary.

(4) Written, sealed bids need not be submitted.

(5) Informal bids received shall remain confidential until the bid is awarded.

(b) . Three quotes should be obtained for purchases between $5,000.00, and $90,000.00 for purchases of supplies and equipment unless it is a sole source item. For purchases of supplies and equipment between $5,000.00 and $30,000.00, the three-quote requirement can be waived with the approval of the purchasing manager. If quotes have been attempted and the item can only be obtained from one source, the informal purchase is accomplished by a fair and reasonable acceptance of the product by the department head affected and the purchasing manager.

(1) The officer who receives such bids is to keep a record of all bids submitted and have these available for public inspection. This record shall include the company name, the contact person, the item quoted and the date the quote was received.

(2) When informal bids are received by a department, the quotes received should be listed on the purchase order and a copy forwarded to purchasing.

(c) Informal building construction and repair projects are accomplished by obtaining three written quotations for projects between $30,000.00 and $500,000.00. For building construction or repair contracts in the informal range, between $30,000.00 and $500,000.00, minority business contractors shall be solicited.

(Ord. No. 2011-07, 6-20-2011)

State law reference— Bids to be available for inspection, G.S. 143-131.

Sec. 30-13. - Award of bid.

(a) After receipt and evaluation of formal bid proposals, the purchasing manager shall make a recommendation to the county manager for purchases $250,000.00 or less for projects approved in the budget. Such recommendation shall endorse the lowest responsible, responsive bidder, taking into consideration the following:

(1) Price.

(2) Quality.

(3) Performance.

(4) The time specified in the bid proposal for the performance of the contract (delivery or completion date).

(b) Award of a bid by the board of commissioners or the county manager will result in execution of a purchase order and/or a contract. In general, a purchase order is used for a one-time purchase of supplies, equipment or services and for minor construction work. A contract and purchase order is used for nonprofessional services required over a period of time, for all professional services and for significant construction jobs.

(c) Though dollar amounts generally determine whether formal or informal procedures are required, such practices may also be followed for purchases below the minimum cost in each category. The objective of the purchasing office is to secure with efficiency what is needed, when it is needed, and at the lowest reasonable cost. Competitive bidding can save dollars regardless of the estimated purchased amount.

(d) The purchasing office must prepare or oversee the preparation of the specifications, hold a prebid conference when applicable, advertise for bids, and conduct the bid opening. Recommendations for bid award must be taken to the county manager for purchases less than $250,000.00 for projects approved in the budget for approval. It is important that ordering departments anticipate needs timely and allow enough time after the request is submitted for the entire purchasing process to be completed whenever formal bid procedures must be followed.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-14. - Contracts.

All contracts proposed by any county department/agency must be preaudited prior to execution as required by G.S. 159-28. In compliance therewith the following procedures relative to contracts will apply:

(1) All contracts should be sent to the finance director for preaudit as follows:

"This Instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

_____

Finance Director

(2) A purchase order shall be issued for all contracts when county funds will be expended.

(3) The contract will be sent to the staff attorney for approval as to form, prior to execution.

(4) A copy of the contract will be maintained in the purchasing manager's office and the original returned to the department head.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-15. - Vendor relationships.

The purchasing/vendor relationship is one of mutuality. The promotion of good relations with vendors is an important function of the purchasing manager. Therefore, it is essential that the purchasing manager be aware of all transactions between the county and its vendors. The using departments/agencies should not be burdened with visits from vendors or their representatives nor with the work of purchasing. Much time shall be saved by complying with the following procedures:

(1) All vendors' representatives are received by the purchasing office promptly and courteously.

(2) The purchasing office will arrange interviews between vendors' representatives and other departments of the county.

(3) The purchasing office will forward to departments and division heads useful information obtained from interviewing, direct mail and advertising.

(4) When department/agency heads are visited by sales representatives, they should ascertain whether they have been sent to them from the purchasing manager. If not, they should be referred to the purchasing office.

(5) Department contacts with vendors or their representatives may be necessary to gain information, such as availability of materials and services, delivery and manufacturing time, demonstrations and specifications.

(6) The county is not bound by any commitment to a vendor by a department. Any such commitment shall be the exclusive responsibility of such department.

(7) The purchasing office shall maintain an up-to-date bid list of all vendors requesting to do business with the county. This list shall be made available to all departments.

(8) Commitment of county funds without an approved purchase order or preaudited contract is prohibited, and such commitment will not be honored for payment as provided by G.S. 159-28.

(9) The county will not knowingly negotiate with any contractor or vendor which has been deemed by the Equal Employment Opportunity Commission to be in noncompliance with equal employment opportunity laws.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-16. - Surplus property, in rem and complaint foreclosure on land, damaged property.

(a) If county property with a fair market value of $1,000.00 or more becomes surplus to the county's needs due to obsolescence, end of useful life, or for any other reason deemed appropriate by the county, such property will be disposed of by means most advantageous to the county. This includes tangible personal property, buildings and structures, and real estate acquired in foreclosure proceedings for nonpayment of property taxes.

(b) Property with an original value of $5,000.00 or more must be declared surplus on a fixed asset form furnished by accounting. The completed form is approved by the department head and forwarded to the purchasing office. A work order should be completed by the department head and forwarded to

the purchasing office. Purchasing will then determine if any other department needs the item; if not, the work order will be forwarded to maintenance so the items can be picked up and stored. The purchasing office then forwards the fixed asset form to accounting to update fixed assets. Once the property is disposed of, a list is then forwarded to accounting.

(c) Disposal of surplus property is the responsibility of the purchasing office and is accomplished by trade-in at the time new equipment is purchased; transfer to another county agency; sale by public auction, electronic auction, private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; or exchange. Trade-ins with purchase are specifically authorized and exempted from otherwise applicable statutes governing disposal of surplus property. A fixed asset form should be submitted for property that is traded in, when applicable. Award of the bid may be based on both the purchase of equipment and the sale of trade-in property, taking into consideration the amount offered on the trade-in when applying the criteria for award established in G.S. 143-129. Notice for public auction for real or personal property may be by electronic means.

(d) If it is determined that trade-in is not to the advantage of the county, the surplus property will be offered to all other county agencies on an equal basis. A written notice of availability with a description of the surplus property will be distributed to all departments. Should an agency advise the purchasing office of an interest in the item, the purchasing manager will transfer to that agency the equipment on a request of need.

(e) If the property is neither traded nor transferred, it is offered for sale by public auction, electronic auction, private negotiation and sale; advertisement for sealed bids; negotiated offer, advertisement, and upset bid; or exchange.

(f) When the value of personal property is less than $10,000.00 for any one item or group of items, the purchasing manager is authorized and may declare items surplus. When the value of personal property is between $10,000.00 and $30,000.00 the county manager is authorized and may declare items surplus. The county manager and/or the purchasing manager shall determine the fair market value, taking into consideration the present market value, depreciation, condition of the property, and other factors affecting value. After a determination of the fair market value, the purchasing manager, by any manner deemed necessary, is authorized to sell or exchange any property for fair market value and has full authority to convey good title to the property. A record of all transactions shall be kept generally describing the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange. The county manager and/or the purchasing manager may discard any personal property that:

(1) Is determined to have no value;

(2) Remains unsold or unclaimed after the county has exhausted efforts to sell the property using any applicable procedures; or

(3) Poses a threat to the public health or safety.

(g) Any county employee who has the responsibility of declaring an item to be surplus property shall not purchase or obtain the item under any circumstances for personal use.

(h) Surplus library books. Each branch library has a Friends of the Library organization. Library staff shall have the authority to transfer surplus and donated library materials to the Friends of the Library. Further, the Friends of the Library shall have the authority to sell donated or discarded county books on behalf of the county pursuant to G.S. 266(c). The Friends of the Library shall use the proceeds to purchase new library materials and programs.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-17. - Central warehouse.

The central warehouse was established to reduce the volume of paperwork generated to obtain a small number of repetitive items and to accelerate delivery time of these items. The central warehouse stocks printed forms and items bearing the name, seal, and other logotypes symbolizing the county,

commonly known as county logo items. The procedure for ordering warehouse supplies is outlined in subsection 30-21(2).

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-18. - Emergency purchases.

(a) Emergency purchasing permission is granted only in extreme cases. During normal working hours, if, in the judgment of the department head, an emergency arises which necessitates immediate purchase of materials or services to continue with department operations, he notifies the purchasing manager of the emergency purchase which will be necessary and enters the purchase order in the computer system. The purchasing manager then processes the purchase order immediately, contacting finance for approval.

(b) After working hours, the department head will decide if an emergency exists and in such case will authorize the necessary emergency purchase. A disbursement voucher shall be completed for any emergency purchase with an explanation attached.

(c) In all cases, if the department head is not available, the decision regarding emergencies will be made by the finance director or assistant finance director. These procedures apply to all county agencies and departments.

(d) Emergency procedures are not intended for purchases required because of failure to anticipate normal needs. Work should be planned in advance and material requirements determined so that items can be requisitioned as a regular purchase.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-19. - Federal government surplus store.

When items are obtained from the federal surplus store, the amount paid for them represents simply the cost of transferring them to the county. Such items are, therefore, not purchased, but transferred, and the purchasing manager assumes full responsibility for all surplus items. As such, these items must remain on county property or premises at all times. If government officials wish to inspect any of these items, the purchasing manager will be contacted and must be familiar with the items and their location. Therefore, the purchasing manager will check periodically with departments that utilize such items and equipment.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-20. - Use of purchasing procedures and purchasing office required.

(a) The purchasing of goods and services utilized by county departments must be handled in accordance with the policies and procedures contained in this chapter.

(b) The purchasing of such items and services shall be accomplished through the use of the purchasing office. The key to an efficient and economical central purchasing system is optimum use of that system.

(c) While some exception to this policy will be allowed, e.g., emergency purchases as covered in section 30-18, failure to use the purchasing office may result in the county's refusal to pay invoices for such purchases.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-21. - Purchasing procedures.

Each county department is responsible for requesting, receiving, inspecting and accepting supplies and equipment for that department in accordance with the following:

(1) *Purchase order (entered via computer system).*

a. A purchase order is used to request tangible goods or equipment which must be bought, excluding warehouse supplies. The ordering department should anticipate needs in sufficient time for normal processing by the purchasing office.

1. Any tangible goods purchased which have a value of $5,000.00 or more and a life expectancy of three years or more should be coded to the appropriate capital line item.

2. All related expenses, e.g., shipping, installation, should be coded to the capital line item for the equipment purchased.

b. The purchase order should be entered through the financial software system. The following information should be included:

1. Buyer.

2. Vendor.

3. Shipment destination.

4. Unit price.

5. Contract number, if applicable.

6. Description.

7. Quantity.

8. Unit of measure.

9. Fund.

10. Department identification.

11. Account number.

12. Project, if applicable.

c. Refer to the financial software system user's guide for more detailed instructions or contact the purchasing office for assistance and/or the intranet for more detailed instructions. Contact the finance software administrator or the purchasing office for further assistance.

d. The purchasing manager will review the purchase order, obtain pricing, if applicable and, if appropriate, approve the purchase order. The purchase order is then reviewed by finance for confirmation that the appropriate accounts were charged. If the wrong accounts were entered, the ordering department will be advised, and the order will be held until it is corrected.

e. The purchasing manager has the authority to revise purchase orders and estimates of quantity, quality, or cost, as long as the established standards and specifications are maintained. If it is necessary to revise a purchase order, the ordering department will be informed immediately.

f. Authorization in the department budget for a particular item does not authorize a specific purchase. The purchasing manager must review each request independently when it is submitted by the ordering department and can request further review by the finance department or county manager.

(2) *Central warehouse supplies.*

a. All warehouse supplies will be listed in the supply catalogue provided to each department by the purchasing office and which is posted on the county's intranet. The central warehouse supplies include standardized, printed forms and items bearing the name, seal, and other logo types symbolizing the county, commonly known as county logo items.

b. To request supplies, determine quantity needed, inventory number and account number. This information should be sent to the purchasing office via e-mail.

(3) *Issuance of purchase order; processing; records; disbursement vouchers.* After submission of a purchase order by the user department and review by the purchasing office and finance, a purchase order is issued. The purchase order is a legal instrument that is sent to the vendor for the actual purchase of items and as such is a contract to buy on behalf of the county and to sell at a specified price on behalf of the vendor. State preaudit law requires dual signatures on all purchase orders issued, a designated purchasing office representative and a finance office representative. When both representatives have approved the purchase orders, they are distributed electronically to the vendor, finance department and requester.

a. When an ordering department receives, inspects and accepts delivery of a complete order:

1. The department should use the finance software system to obtain a voucher number.

2. The voucher number should be written on the invoice and forwarded to finance.

3. The voucher number should be written on the departmental copy of the purchase order and filed in that department for future reference.

b. When ordered goods are received, inspected and accepted as a partial or incomplete shipment, the ordering department uses the same procedures as listed in subsection (3)a.

1. When the remainder of the order is received, the ordering department should again use the finance software system to obtain a voucher number.

2. If the remainder of the order does not arrive in a reasonable time, the ordering department should notify the purchasing office by memorandum so the vendor can be contacted regarding the reason for the delay in shipment.

c. When a department receives partial delivery of an order and finds that the balance of the order is not needed, the department shall notify the purchasing office in writing and request cancellation of the remaining balance, provided the complete order has not yet been shipped and the vendor is agreeable. If a department wishes to cancel a purchase order in its entirety, the department head should immediately notify the purchasing office in writing and explain the reasons for the cancellation. The purchasing office will then notify the vendor directly; an ordering department may not contact the vendor personally to cancel a purchase order. Authorization for a cancellation may be made only by the purchasing manager.

d. A purchasing system is not efficient without the maintenance of up-to-date, accurate records on purchases made but not yet received. Until satisfactory delivery of such orders has occurred, the purchasing office has not achieved its ultimate goal. Therefore, it is important that the ordering department keep close check on expected delivery dates of purchase orders and notify the purchasing office of any outstanding orders so that necessary action may be taken. If follow-up action is required, the purchasing office will mail a letter to the vendor requesting that delivery be made or asking for an explanation of the delay. The purchasing office will then place the purchase order and a copy of the form letter in a suspense file. If the order is received on or before the new delivery date, no further action is required. If the items have not been received, the purchasing office will again contact the vendor as to the delay and/or cancel the purchase order if immediate delivery cannot be guaranteed.

e. There may be occasions when a department wishes to return merchandise to the vendor. In such case, the department head should notify the purchasing office so that the vendor may be contacted and the return of the order negotiated. If the order is not to be replaced by the vendor, the department should request purchasing to cancel the purchase order.

f. A disbursement voucher system will be used to request payment for goods and services when a purchase order is not feasible or when the invoice amount exceeds the purchase

order amount. Examples of the kinds of transactions for which a disbursement voucher form will be used are as follows:

1. Purchases shall not exceed $999.99 for all county departments. The county manager reserves the right to lower the purchase order limit for any department.
2. Postage.
3. Dues, subscriptions and advance registration fees.
4. Payment of debt service charges.
5. Sheriff's department requests for informant and narcotics monies.
6. Newspaper advertising.
7. Vehicle, equipment repair and emergency maintenance repair.
8. Payments to the county manager, board of commissioners, the county attorney and members of other county boards.
9. All requests for payment of invoices wherein a purchase order has not been completed.
10. Temporary nonemployee or professional workers not covered by a contract.
11. Refunds.
12. Utilities.
13. Library books received on approval.
14. Advance travel conference or lodging reservations.
15. Employee reimbursements.
16. Client assistance payments.
17. Medical.
18. Equipment service contracts.

g. Any payment on a disbursement voucher which should have had a purchase order issued must be accompanied by a memorandum stating why a purchase order was not obtained and if any corrective action has been taken to prevent further occurrences.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-22. - Completion of disbursement voucher form.

(a) The disbursement voucher form referenced in subsection 30-21(3)f. shall be completed using the on-line financial system~~and shall contain the following:~~

~~(1) Date.~~

~~(2) The name and address of the person or company to whom payment is being authorized.~~

~~(3) When more than one invoice is being paid to a single vendor, each invoice should be stated on a separate item.~~

~~(4) The description of items/services purchased if sufficient description does not appear on the purchase document.~~

~~(5) The budget account number against which payment is being requested.~~

~~(6) The amount of each item number.~~

~~(7) The amount of sales tax charged for the total purchase.~~

~~(8) The totals of the amount and sales tax columns.~~

~~(9) The department/agency head must sign the disbursement voucher authorizing payment~~.

(b) A pdf copy of the invoice will be attached to the voucher using the on-line financial system and the daily Accounts Payable voucher spreadsheet shall be emailed to Accounts Payable..~~The original and first copy of the voucher, along with the invoice or other purchasing receipt, should be forwarded to the finance department~~.

(Ord. No. 2011-07, 6-20-2011)

Sec. 30-23. - Procurement card procedures.

(a) The procurement card program was established to provide a more rapid turnaround of requests for low-dollar-value goods and to reduce paperwork and handling costs. Those requesters who have been issued credit cards may initiate transactions in person, on the internet, or by telephone, within the limits of these procedures, and may receive goods.

(b) Department heads may propose an employee to be a cardholder by completing the request for credit card form; the form can be found on the county's intranet. The request is to be forwarded to the purchasing office for processing. The proposed cardholder shall be issued a copy of this procedure and shall be required to acknowledge (countersign) an authorization memorandum, indicating the cardholder understands the procedures.

(c) Team cards are available for units and/or departments. The team card is one card with several authorized users.

(d) The unique credit card that the cardholder receives has his name embossed on it and shall only be used by the cardholder. No other person is authorized to use that card.

(e) Use of the credit card shall be limited to the following conditions:

(1) Payment for a purchase will not be split into multiple transactions to stay within the single purchase limit.

(2) All items purchased over the counter must be immediately available at the time of the credit card use. No back ordering of merchandise is allowed.

(3) The credit card shall not be used for the following:

a. Personal purchase or identification.

b. A single purchase of supplies or equipment that exceeds the purchase order limit.

c. Cash advances.

d. Telephone calls.

e. Purchase of alcoholic beverages.

f. Payment for spouse-related travel expenses.

(f) The single transaction limit for the purchase of supplies and material is $499.99. Travel expenses and nontangible training items may exceed $499.99 for a single transaction. At the finance director's discretion, a department head's employee's single transaction limit can be $999.99, and he may designate staff that has responsibility for purchasing within the department to have a single transaction limit of $999.99.

(g) The assistant finance director and the purchasing manager may authorize exemptions to the single transaction limit under special circumstances.

(Ord. No. 2011-07, 6-20-2011)

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Finance and Personnel Subcommittee

DATE: February 16, 2015

RE: Sheriff's Office Firing Range – Right of Way Agreement

Requested

The Finance and Personnel Subcommittee recommends approval of the attached Right of Way Agreement with Duke Energy Carolinas, LLC.

Background

The Sheriff's Office is constructing a firing range at the Blackburn Landfill. The project has a budget of $100,000 and will consist of gravel parking, metal shed, metal carport, asphalt and electricity.

The Sheriff's Office currently rents land that is basically a marshy area. There are several underground springs that they have tried repeatedly to drain by running drain lines into the creek. Where there is heavy rain, the whole range floods including the tower that they use for storage. The underground water system frequently fries the electronics of the target system. In addition, the equipment frequently gets shot by someone with deer rifles. The neighbors surrounding the current firing range complain every time the range is used.

The site at the Blackburn Landfill should be a perfect location for the new range, it is isolated and not in a flood plain.

In order to provide electricity at the site, Duke Energy Carolinas, LLC will construct poles, lighting, fixtures, transformers, etc. and they require a Right of Way Agreement which is attached.

Recommendation

The Finance and Personnel Subcommittee recommends the Board of Commissioners approves the Right of Way Agreement with Duke Energy Carolinas, LLC.

Drawn By: Amy K. Prophet

Return Address: Duke Energy Carolinas
Attn: Becky Poynter
182 Talbert Rd
Mooresville NC 28117

Grantor's Address: Catawba County Legal Office
Government Center
PO Box 389
Newton NC 28658

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That CATAWBA COUNTY, a North Carolina body politic, hereinafter called "Grantor" (whether one or more), in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations, does hereby grant unto DUKE ENERGY CAROLINAS, LLC, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in said County and State, property described as:

PIN # 361702796313, containing 92.93 acres, more or less and being the land described in deeds to Catawba County from: 1) Terry Dennis Knox, dated December 19, 2001, and recorded in Deed Book 2326, Page 84; 2) Terry Dennis Knox, dated December 19, 2001, and recorded in Deed Book 2326, Page 87, all Catawba County Registry, and over and across said premises within a right-of-way strip (check applicable):

☒ having a width of 15 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate with poles, lighting fixtures, crossarms, wires, guys, anchors, cables, transformers and other apparatus and appliances, overhead lines for the purpose of transporting electricity and/or providing lighting services and for the communications purposes of the Grantee and regulated telephone utilities. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and to remove from the right-of-way strip, now or at any time in the future, trees, structures or other obstructions that may endanger the proper maintenance and operation of said lines or other facilities or equipment and trees of any species that Grantee determines will grow at maturity to a height that will endanger the proper maintenance and operation of said lines or other facilities or equipment; to trim or remove and to keep trimmed or remove dead, diseased, weak or leaning trees or limbs outside of the right-of-way strip which, in the opinion of the Grantee, might interfere with or fall upon the electric, lighting, or regulated telephone facilities within the right-of-way strip; and to install guy wires and anchors extending beyond the limits of the right-of-way strip.

☒ having a width of 15 feet on each side of a centerline determined by the centerline of the electrical facilities and/or the lighting facilities, as installed, to construct, maintain and operate underground lines and conduits with other apparatus and appliances, either above ground or below ground, to include transformers and service connections, for the purpose of transporting electricity, providing lighting services and for the communications purposes of Grantee. The following rights are also granted to Grantee: to enter said premises to inspect said lines, equipment and facilities, to perform maintenance and repairs, and to make alterations and additions thereto; and relocate its facilities and right-of-way strip over the premises to conform to any future highway or street relocation, widening or improvement; and to clear the land within the right-of-way strip and to keep it clear of trees, structures or other obstructions; and to clear that land outside the right-of-way strip within ten feet of the service door of any transformer or cabinet located within the right-of-way strip and to keep the area within ten feet of said door clear of trees, structures or other obstructions.

Grantor, for itself and its successors and assigns, agrees to hold Grantee, its successors and assigns, harmless for replacement and/or repair of paving, landscaping and fences as a result of future system maintenance and repair. All underground facilities are to be installed in accordance with the provisions of Grantee's Underground Distribution Installment Plan, NCUC Docket E-7, Sub 828, receipt of a copy of which is acknowledged by Grantor.

The easement described herein shall remain in effect until such time as the installed electrical facilities and/or the lighting facilities are installed as prescribed herein and are no longer needed as determined by Grantor.

IN WITNESS WHEREOF, this instrument is executed on this _____ day of _____, _____

GRANTOR

CATAWBA COUNTY, a North Carolina body politic

By: _____

Name: _____

Title: _____

STATE OF NORTH CAROLINA

COUNTY OF _____

I, _____, a Notary Public for said County and State, certify that _____ _____ personally came before me this day and acknowledged that he/she is _____ of the Catawba County_____, and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by its _____.

Witness my hand and official seal, this _____ day of _____, _____.

My Commission Expires _____

_____
Notary Public

Affix (Notary or Corporation) Seal

MEMORANDUM

TO: Catawba County Board of Commissioners

FROM: Lori Mathes, Catawba County Tax Collector

DATE: February 16, 2015

SUBJECT: DELINQUENT 2014 REAL ESTATE PROPERTY TAX

Request

In accordance with NCGS 105-369(a), the Catawba County Tax Collector is requesting the Board of County Commissioners accept this report as compliance with the aforementioned statute, and that the Board further order the Catawba County Tax Collector to advertise the delinquent tax liens as prescribed by NCGS 105-369.

Background

NCGS 105-369(a) requires that each county's Tax Collector submit to their respective Board of Commissioners the total amount of unpaid taxes for the current year. As of January 31, 2015, delinquent real property taxes in Catawba County totaled $4,529,278, which represents 6.51% of the 2014 real property levy.

The applicable statue reads as follows:

***105-369. Advertisement of tax liens on real property for failure to pay taxes.**

(a) Report of Unpaid Taxes That Are Liens on Real Property. – In February of each year, the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A county tax collector's report is due the first Monday in February, and a municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens. For purposes of this section, district taxes collected by county tax collectors shall be regarded as county taxes and district taxes collected by municipal tax collectors shall be regarded as municipal taxes.

Recommendation

Staff recommends the Board accepts this report in compliance with NCGS 105-369(a), and the Board formally issues an order to the Catawba County Tax Collector to advertise all unpaid real property taxes per the following suggested resolution.

RESOLUTION No.

BE IT RESOLVED, the Board of Commissioners for Catawba County, in compliance with NCGS 105-369(a), orders the Tax Collector to advertise all unpaid tax liens, as prescribed in NCGS 105-369.

This the _____ day of February, 2015

_____

Randy Isenhower, Chair
Catawba County Board of Commissioners