



Eastern Carolina Council

233 Middle Street; Ste 300
PO Box 1717
New Bern, NC 28560

Phone: 252.638.3185
Fax: 252.638.3187
www.eccog.org

DATE: November 27, 2018

TO: ECC Executive Committee Board Members

FROM: Shane Turney, President

RE: General Membership Board Agenda Packet

Please make plans to attend the Eastern Carolina Council **Executive Committee Board meeting** to be held on Thursday, **November 29, 2018** at the **Eastern Carolina Council offices, 233 Middle Street, Second Floor Conference Room, OMarks Building, New Bern, NC.**

Dinner will commence at 6:00 p.m. (DINNER Complimentary). The meeting will commence promptly at 6:30 p.m.

Board Members are welcome to view the check register. You may contact Jenny Miller, Finance Director to do this.

If you need additional information, do not hesitate to call Eastern Carolina Council 252.638.3185 extension 3001.

We look forward to seeing you there.



Executive Committee Board Meeting

6:30 p.m. - Thursday, November 29, 2018

Second Floor Conference Room

233 Middle Street, New Bern, NC

AGENDA

- 1. Welcome, Invocation, and Call to Order**
- 2. Adopt Agenda - *Shane Turney, President***
- 3. Consent Agenda - *Shane Turney, President***
 - a. Executive Committee Board Minutes—October 25, 2018
 - b. Financial Statement
- 4. Finance – Audit Presentation – *Jenny Miller, Finance Director,
Robbie Bittner & Sarah Kate Willis, RSM***
- 5. Closed Session – Personnel Issues**
NC G.S. 143-318.11(a)(6) – Members of Executive Committee only
- 6. Budget & Audit Committee Report - *Edward Riggs, Treasurer***
- 7. Approval of Action Items – *Shane Turney, President***
- 8. Approval of Procurement, Conflict of Interest & Gift Policy – *Jenny Miller, Finance
Director***
- 9. ECC Updates – *Jay Bender & Shane Turney***
- 10. Member Comments**
- 11. Adjournment**



3. Consent Agenda

a. Minutes – October 25, 2018

Executive Committee Board Meeting

6:30 p.m. - Thursday, October 25, 2018

Second Floor Conference Room

233 Middle Street, New Bern, NC

Minutes

Executive Committee in Attendance:

Jay Bender

Roland Best

Robert Cavanaugh

Scott Dacey

Frank Emory

Joe Gurley

Bennie Heath

Pat Prescott

Edward Riggs Jr.

Arthur Robinson

Chris Roberson

Bill Taylor

Shane Turney

Guest in Attendance:

Knox Proctor, Ward & Smith

Ken Gray, Ward & Smith

ECC Staff in Attendance:

Matthew Livingston

Jenny Miller

David Rosado

Leighann Morgan

Chad Davis

1. Welcome, Invocation, and Call to Order – The meeting was called to order by President Shane Turney at 6:44 p.m. Arthur Robinson offered the invocation

2. Adopt Agenda - *Shane Turney, President*

Edward Riggs suggested to remove item #6 Pay & Classification Recommendation and to add EDA Commitment Letter Approval

Edward Riggs motioned to adopt the agenda with the suggested changes, seconded by Bill Taylor, motion carried unanimously.

3. Consent Agenda - *Shane Turney, President*

a. General Membership Board Minutes—May 10, 2018

b. Financial Statement

Bennie Heath motioned to approve the consent agenda, seconded by Frank Emory, motioned carried unanimously.

4. Budget and Audit Committee Report - Edward Riggs, Treasurer

Edward Riggs reported that the Budget & Audit Committee met on Thursday, October 25 at 4:00 p.m. to view the financials and check register. The audit report will be presented at the January General Membership Board meeting, and the damages to the building from the recent Hurricanes were discussed.

5. Finance—Budget Amendment - Edward Riggs, Treasurer and Jenny Miller, Finance Director

Jenny Miller presented Budget Amendment 1 to the board for approval: 1) \$59,388 increase to the General fund, which included Planning T/A Projects for Water System Asset Management & Storm water Mapping Services, Financial T/A Project and deferred revenue from Financial Technical Assistance Projects that crosses our FY; 2) \$841,228 increase in the Special Fund, which includes the Division of Aging Grant Allocations received and the balance of the Disaster Recovery grant adjustment based on prior year spending.

Frank Emory motioned to approve Budget Amendment 1 for FY 18/19, seconded by Pat Prescott, motion carried unanimously.

6. EDA Commitment Letter – Matthew Livingston, Executive Director

Matthew Livingston presented a letter of approval for the commitment of ECC to match funds for the EDA Award of \$220,000. ECC will match 20% totaling \$55,000 over two fiscal years. This grant is to assist in the recovery from the flooding and damages associated with Hurricane Florence and will be partnering with Triangle J Council of Governments.

Jay Bender motioned to support the EDA commitment letter, seconded by Roland Best, motion carried unanimously.

7. Approval of New Members – Matthew Livingston, Executive Director

Matthew Livingston stated the towns of Bayboro, Vandemere & Seven Springs would like to join the COG and have paid their dues.

Bill Taylor motioned to approve the new members, seconded by Edward Riggs, motioned carried unanimously.

8. Other Executive Director Updates

Matthew Livingston stated ECC is still working on the 5 year Strategic Plan; Comprehensive Economic Development Strategy Report. ECC has established a new mission and vision statement and core values. ECC was approached by Lee Bettis for assistance with Realize U252; ECC hosts a series of Webinars on Wednesdays that is available to all members. ECC staff is in the process of updating the website to increase functionality.

David Rosado reported that the AAA staff have been involved with the communities before and after the storm. They have reached out to all their service providers and facilities in the region to ensure they had storm plans in place and assessed the damage after the storm. Continuous assistance and participation in Multi Agency Shelter Transition Teams; FEMA, Red Cross, DHHS, VA and local DSS's. ECC staff worked with Hope Heroes to help at distribution sites to communities that were underserved. He also gave an updated on Long Term Care facilities closings.

Chad Davis stated that the planning department has been working on closing the Hurricane Matthew Grant; working with communities on developing Toolkits and collecting resources for the Hurricane Florence Grant. Planning has also been working with communities with permits and zoning ordinances.

9. Member Comments

Pat Prescott stated Pamlico County Senior Center stepped up during the hurricane, cooking for 150 people daily.

Bob Cavanaugh stated that he was disappointed in the communication down to Carteret County for hurricane relief and supplies for residents after the storm.

10. Closed Session – Personnel Issues

*Motion to enter closed session to discuss personnel matter per NC G.S. 143-318.11(a)(6)—
Members of Executive Committee only made by Edward Riggs, seconded by Bill Taylor.
Motion carried.*

Respectfully Submitted by,

Shane Turney, President

, Executive Director



3. Consent Agenda

b. Financials

Financial Statement of Activity
Eastern Carolina Council of Governments
For 10/31/2018

001	M-T-D Actual	Y-T-D Actual	Annual Budget	Budget Remaining	Percent Used
Revenues					
4703. Other Revenue	11,325.00	13,002.33	225,678.00	(212,675.67)	5.76
4713. Local Revenue	218.00	158,372.00	159,640.00	(1,268.00)	99.21
4717. ECC Match	0.00	0.00	(129,265.00)	129,265.00	0.00
Total Revenues	11,543.00	171,374.33	256,053.00	(84,678.67)	66.93
Expenses					
5455. Board Travel	0.00	0.00	1,000.00	1,000.00	0.00
5457. Board Meeting	522.71	619.70	5,000.00	4,380.30	12.39
5465. President Allowance	300.00	750.00	1,800.00	1,050.00	41.67
5466. Administration Misc Exp	0.00	0.00	33,952.00	33,952.00	0.00
5501. Special Project	1,640.00	1,640.00	0.00	(1,640.00)	0.00
5502. Training	280.00	2,650.06	15,500.00	12,849.94	17.10
5700. Mileage Expense	1,279.14	3,166.11	15,289.00	12,122.89	20.71
5701. Hotel, Meals, Incidentals	804.40	1,497.17	3,663.00	2,165.83	40.87
5720. Salary	17,720.10	71,061.46	227,485.00	156,423.54	31.24
5721. 401K	280.27	1,270.68	25,787.00	24,516.32	4.93
5722. FICA	1,295.27	5,067.00	15,508.00	10,441.00	32.67
5724. Health Insurance	2,785.48	11,324.49	19,651.00	8,326.51	57.63
5725. Dental Insurance	111.99	455.67	500.00	44.33	91.13
5726. Retirement	728.71	3,289.61	16,084.00	12,794.39	20.45
5736. Unemployment Benefits	18.95	82.52	627.00	544.48	13.16
5749. Legal Fees	0.00	1,812.50	20,000.00	18,187.50	9.06
5750. Consultant	0.00	293.20	0.00	(293.20)	0.00
5751. Audit	968.35	1,699.25	203.00	(1,496.25)	837.07
5752. Rent	3,872.35	10,615.35	41,058.00	30,442.65	25.85
5754. Equipment Lease	475.10	494.21	8,000.00	7,505.79	6.18
5757. Insurance & Bonding	0.00	8,297.30	10,000.00	1,702.70	82.97
5758. Postage	0.00	(44.66)	1,050.00	1,094.66	(4.25)
5759. Printing/Publication	0.00	0.00	2,000.00	2,000.00	0.00
5760. Telephone, Cell Service	529.44	1,243.42	4,840.00	3,596.58	25.69
5761. Utilities	1,084.05	3,469.69	13,752.00	10,282.31	25.23
5768. Broadband	258.08	1,256.84	5,800.00	4,543.16	21.67
5769. Computer Related Purchase	0.00	25.60	5,000.00	4,974.40	0.51
5770. Office Supplies	257.22	1,586.65	10,100.00	8,513.35	15.71
5771. IT System Administration	498.07	7,942.42	25,400.00	17,457.58	31.27
5772. Dues & Subscriptions	1,518.85	1,802.85	17,000.00	15,197.15	10.61
5773. Cleaning Services	816.00	2,040.00	4,920.00	2,880.00	41.46
5774. Advertising	0.00	0.00	1,000.00	1,000.00	0.00
5775. Maintenance & Repairs	564.43	1,038.71	8,000.00	6,961.29	12.98
5776. Administration Website	0.00	0.00	500.00	500.00	0.00
5778. Copier Costs/Paper	0.00	511.39	3,300.00	2,788.61	15.50
5779. Bank Charges	62.09	178.58	1,000.00	821.42	17.86
5780. Payroll Exp	0.00	0.00	6,000.00	6,000.00	0.00
5781. Employment Screening	0.00	0.00	1,000.00	1,000.00	0.00
5899. Indirect Cost	(17,138.59)	(60,724.61)	(315,716.00)	(254,991.39)	(19.23)
Total Expenses	21,532.46	86,413.16	256,053.00	169,639.84	33.75
Excess Revenue Over (Under) Expenditures	(9,989.46)	84,961.17	0.00	84,961.17	0.00

Financial Statement of Activity
Eastern Carolina Council of Governments
For 10/31/2018

003	M-T-D Actual	Y-T-D Actual	Annual Budget	Budget Remaining	Percent Used
Revenues					
4701. Federal Revenue	123,043.05	277,311.45	1,255,302.00	(977,990.55)	22.09
4702. State Revenue	39,564.29	78,411.26	319,224.00	(240,812.74)	24.56
4711. MIS Revenue	448.65	811.20	4,500.00	(3,688.80)	18.03
4712. Appropriated Fund Balance	0.00	0.00	35,000.00	(35,000.00)	0.00
4713. Local Revenue	0.00	54,571.00	54,566.00	5.00	100.01
4714. In-Kind Revenue	0.00	0.00	6,090.00	(6,090.00)	0.00
4717. ECC Match	0.00	0.00	129,265.00	(129,265.00)	0.00
Total Revenues	163,055.99	411,104.91	1,803,947.00	(1,392,842.09)	22.79
Expenses					
5460. MIS Fee	339.00	1,486.80	4,500.00	3,013.20	33.04
5500. Advisory Council	1,572.61	2,036.90	2,000.00	(36.90)	101.85
5502. Training	1,105.00	4,157.61	3,000.00	(1,157.61)	138.59
5510. Program Services	26,736.34	49,655.46	390,339.00	340,683.54	12.72
5700. Mileage Expense	4,513.84	12,761.79	46,338.00	33,576.21	27.54
5701. Hotel, Meals, Incidentals	3,956.03	11,254.54	15,097.00	3,842.46	74.55
5720. Salary	40,928.77	144,932.36	653,662.00	508,729.64	22.17
5721. 401K	936.41	3,561.36	30,335.00	26,773.64	11.74
5722. FICA	3,030.67	10,813.62	33,692.00	22,878.38	32.10
5724. Health Insurance	5,394.06	20,948.11	57,152.00	36,203.89	36.65
5725. Dental Insurance	242.01	942.38	5,881.00	4,938.62	16.02
5726. Retirement	2,434.70	9,224.68	27,183.00	17,958.32	33.94
5736. Unemployment Benefits	59.27	120.91	2,751.00	2,630.09	4.40
5751. Audit	12,031.65	22,300.75	33,797.00	11,496.25	65.98
5752. Rent	280.00	1,010.00	2,060.00	1,050.00	49.03
5758. Postage	0.00	84.86	1,280.00	1,195.14	6.63
5759. Printing/Publication	0.00	0.00	1,000.00	1,000.00	0.00
5760. Telephone, Cell Service	1,798.97	4,756.48	16,557.00	11,800.52	28.73
5768. Broadband	774.24	3,908.25	10,330.00	6,421.75	37.83
5769. Computer Related Purchase	0.00	51.18	1,100.00	1,048.82	4.65
5770. Office Supplies	6,065.87	7,269.03	6,084.00	(1,185.03)	119.48
5771. IT System Administration	3,112.67	12,378.68	26,535.00	14,156.32	46.65
5772. Dues & Subscriptions	6,576.53	9,226.53	4,240.00	(4,986.53)	217.61
5774. Advertising	0.00	0.00	13,031.00	13,031.00	0.00
5775. Maintenance & Repairs	0.00	1,500.00	3,000.00	1,500.00	50.00
5778. Copier Costs/Paper	0.00	1,132.35	1,390.00	257.65	81.46
5844. 844 ECC CAREGIVER VOUCHERS	905.00	1,105.00	12,000.00	10,895.00	9.21
5899. Indirect Cost	17,138.59	60,724.61	279,585.00	218,860.39	21.72
6200. HCCBG HCCBG PASS-THRU FUNDS	0.00	103,008.00	0.00	(103,008.00)	0.00
6600. Aging P & A LEGAL AIDE CARTERET PSLs	174.00	16,165.00	0.00	(16,165.00)	0.00
6700. Sr. Center Gen Purpose	131.00	2,409.00	0.00	(2,409.00)	0.00
6800. III-D	2,319.00	5,080.00	0.00	(5,080.00)	0.00
6900. FCSP	4,721.00	13,588.00	120,028.00	106,440.00	11.32
Total Expenses	147,277.23	537,594.24	1,803,947.00	1,266,352.76	29.80
Excess Revenue Over (Under) Expenditures	15,778.76	(126,489.33)	0.00	(126,489.33)	0.00



8. Procurement Policy

Eastern Carolina Council of Government UG Procurement Policy

I. Purpose

The purpose of this policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract. To the extent that other sections of procurement policies and procedures adopted by Eastern Carolina Council of Governments are more restrictive than those contained in this policy, local policies and procedures shall be followed.

II. Policy

- A. **Application of Policy.** This policy applies to contracts for purchases, services, and construction or repair work funded with federal financial assistance (direct or reimbursed). The requirements of this Policy also apply to any subrecipient of the funds.

All federally funded projects, loans, grants, and sub-grants, whether funded in part or wholly, are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for federal awards (Uniform Guidance) codified at 2 C.F.R. Part 200 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds.

- B. **Compliance with Federal Law.** All procurement activities involving the expenditure of federal funds must be conducted in compliance with the Procurement Standards codified in 2 C.F.R. § 200.317 through § 200-326 unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. Eastern Carolina Council of Governments will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should Eastern Carolina Council of Governments have more stringent requirements, the most restrictive requirement shall apply so long as it is consistent with state and federal law.
- C. **Contract Award.** All contracts shall be awarded only to the lowest responsive responsible bidder possessing the ability to perform successfully under the terms and conditions of the contract.

- D. **No Evasion.** No contract may be divided to bring the cost under bid thresholds or to evade any requirements under this Policy or state and federal law.
- E. **Contract Requirements.** All contracts paid for in whole or in part with federal funds shall be in writing. The written contract must include or incorporate by reference the provisions required under 2 C.F.R § 200.326 and as provided for under 2 C.F.R. Part 200, Appendix II. Contracts funded with federal grant or loan funds must be procured in a manner that conforms with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200).
- F. **Contractors' Conflict of Interest.** Designers, suppliers, and contractors that assist in the development or drafting of specifications, requirements, statements of work, invitation for bids or requests for proposals shall be excluded from competing for such requirements.
- G. **Approval and Modification.** The administrative procedures contained in this Policy are administrative and may be changed as necessary at the staff level to comply with state and federal law.

III. **General Procurement Standards and Procedures:**

Either the Purchasing Department or the Requesting Department shall procure all contracts in accordance with the requirements of this Section of the Policy.

- A. **Necessity.** Purchases must be necessary to perform the scope of work and must avoid acquisition of unnecessary or duplicative items. The Purchasing Department and/or the Requesting Department should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Strategic sourcing should be considered with other departments and/or agencies who have similar needs to consolidate procurements and services to obtain better pricing.
- B. **Clear Specifications.** All solicitations must incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, and shall include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals. Technical requirements must not contain features that restrict competition.
- C. **Notice of Federal Funding.** All bid solicitations must acknowledge the use of federal funding for the contract. In addition, all prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.

- D. Compliance by Contractors.** All solicitations shall inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award.
- E. Fixed Price.** Solicitations must state that bidders shall submit bids on a fixed price basis and that the contract shall be awarded on this basis unless otherwise provided for in this Policy. Cost plus percentage of cost contracts are prohibited. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract shall not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.
- F. Use of Brand Names.** When possible, performance or functional specifications are preferred to allow for more competition leaving the determination of how to reach the required result to the contractor. Brand names may be used only when it is impractical or uneconomical to write a clear and accurate description of the requirement(s). When a brand name is listed, it is used as reference only and "or equal" must be included in the description.
- G. Lease versus Purchase.** Under certain circumstances, it may be necessary to perform an analysis of lease versus purchase alternatives to determine the most economical approach.
- H. Dividing Contract for M/WBE Participation.** If economically feasible, procurements may be divided into smaller components to allow maximum participation of small and minority businesses and women business enterprises. The procurement cannot be divided to bring the cost under bid thresholds or to evade any requirements under this Policy.
- I. Documentation.** Documentation must be maintained by the Purchasing Department and/or the Requesting Department detailing the history of all procurements. The documentation should include the procurement method used, contract type, basis for contractor selection, price, sources solicited, public notices, cost analysis, bid documents, addenda, amendments, contractor's responsiveness, notice of award, copies of notices to unsuccessful bidders or offerors, record of protests or disputes, bond documents, notice to proceed, purchase order, and contract. All documentation relating to the award of any contract must be made available to the granting agency upon request.
- J. Cost Estimate.** For all procurements costing \$250,000 or more, the Purchasing Department and/or Requesting Department shall develop an estimate of the cost of the procurement prior to soliciting bids. Cost estimates may be developed by reviewing prior contract costs, online review of similar products or services, or other means by which a good faith cost estimate may be obtained.

Cost estimates for construction and repair contracts may be developed by the project designer.

- K. Contract Requirements.** The Requesting Department must prepare a written contract incorporating the provisions referenced in Section II.C of this Policy.
- L. Debarment.** No contract shall be awarded to a contractor included on the federally debarred bidder's list.
- M. Contractor Oversight.** The Requesting Department receiving the federal funding must maintain oversight of the contract to ensure that contractor is performing in accordance with the contract terms, conditions, and specifications.
- N. Open Competition.** Solicitations shall be prepared in a way to be fair and provide open competition. The procurement process shall not restrict competition by imposing unreasonable requirements on bidders, including but not limited to unnecessary supplier experience, excessive or unnecessary bonding, specifying a brand name without allowing for "or equal" products, or other unnecessary requirements that have the effect of restricting competition.
- O. Geographic Preference.** No contract shall be awarded on the basis of a geographic preference.

IV. Specific Procurement Procedures

Either the Purchasing Department or the Requesting Department shall solicit bids in accordance with the requirements under this Section of the Policy based on the type and cost of the contract.

- A. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing less than \$10,000** shall be procured using the Uniform Guidance "micro-purchase" procedure (2 C.F.R. § 200.320(a)) as follows:
 - 1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
 - 2. To the extent practicable, purchases must be distributed among qualified suppliers.
- B. Service Contracts** (except for A/E professional services) and **Purchase Contracts costing \$10,000 up to \$90,000** shall be procured using the Uniform Guidance "small purchase" procedure (2 C.F.R. § 200.320(b)) as follows:
 - 1. Obtain price or rate quotes from an "adequate number" of qualified sources (a federal grantor agency might issue guidance interpreting "adequate number," so the Requesting Department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
 - 2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.

3. Cost or price analysis is not required prior to soliciting bids.
4. Award the contract on a fixed-price basis (a not-to-exceed basis is permissible for service contracts where obtaining a fixed price is not feasible).
5. Award the contract to the lowest responsive, responsible bidder.

C. Service Contracts (except for A/E professional services) and **Purchase Contracts costing \$90,000 and above** shall be procured using a combination of the most restrictive requirements of the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids.
2. Complete specifications or purchase description must be made available to all bidders.
3. The bid must be formally advertised in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for “sound documented reasons.”
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
5. Open bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. Award the contract to the lowest responsive, responsible bidder on a fixed-price basis. Governing board approval is required for purchase contracts unless the governing board has delegated award authority to an individual official or employee. Any and all bids may be rejected only for “sound documented reasons.”

Note Regarding Service Contracts Costing \$90,000 up to \$250,000: Local government service contracts are not subject to state competitive bidding requirements. If a local government does not require competitive proposals (RFPs) for service contracts under its local policy, it may choose to follow the UG small purchase procedure for service contracts costing \$10,000 up to \$250,000, and then follow the UG sealed bid or competitive proposal method for service contracts costing \$250,000 or more. If the local policy regarding service contracts is more restrictive, the local policy should be followed.

D. Service Contracts (except for A/E professional services) **costing \$250,000 and above** may be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)) when the “sealed bid” procedure is not appropriate for the particular type of service being sought. The procedures are as follows:

1. A Request for Proposals (RFP) must be publicly advertised. Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an “adequate number” of qualified firms.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify evaluation criteria and relative importance of each criteria (criteria weight) in the RFP.
4. Consider all responses to the publicized RFP to the maximum extent practical.
5. Must have a written method for conducting technical evaluations of proposals and selecting the winning firm.
6. Award the contract to the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. Governing board approval is not required.
7. Award the contract on a fixed-price or cost-reimbursement basis.

E. Construction and repair contracts costing less than \$10,000 shall be procured using the Uniform Guidance “micro-purchase” procedure (2 C.F.R. § 200.320(a)) as follows:

1. The contract may be awarded without soliciting pricing or bids if the price of the goods or services is considered to be fair and reasonable.
2. To the extent practicable, contracts must be distributed among qualified suppliers.

F. Construction and repair contracts costing \$10,000 up to \$250,000 shall be procured using the Uniform Guidance “small purchase” procedure (2 C.F.R. § 200.320(b)) as follows:

1. Obtain price or rate quotes from an “adequate number” of qualified sources (a federal grantor agency might issue guidance interpreting “adequate number,” so the requesting department should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued).
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as required under 2 C.F.R. § 200.321.
3. Cost or price analysis is not required prior to soliciting bids, although price estimates may be provided by the project designer.
4. Award the contract on a fixed-price or not-to-exceed basis.
5. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required.

G. Construction and repair contracts costing \$250,000 up to \$500,000 shall be procured using the Uniform Guidance “sealed bid” procedure (2 C.F.R. § 200.320(c)) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate may be provided by the project designer).

2. Complete specifications must be made available to all bidders.
3. Publically advertise the bid solicitation for a period of time sufficient to give bidders notice of opportunity to submit bids (formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid). The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained.
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed. A minimum of 2 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders. Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is not required. Any and all bids may be rejected only for "sound documented reasons."

H. Construction and repair contracts costing \$500,000 and above shall be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure (2 C.F.R. § 200.320(c)) and state formal bidding procedures (G.S. 143-129) as follows:

1. Cost or price analysis is required prior to soliciting bids (this cost estimate should be provided by the project designer).
2. Complete specifications must be made available to all bidders.
3. Formally advertise the bid in a newspaper of general circulation for at least seven full days between the date of the advertisement and the date of the public bid opening. Electronic-only advertising must be authorized by the governing board. The advertisement must state the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the governing board the right to reject any or all bids only for "sound documented reasons."
4. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
5. Open the bids at the public bid opening on the date, time, and at the location noticed in the public advertisement. All bids must be submitted sealed and in paper form. A minimum of 3 bids must be received in order to open all bids.
6. A 5% bid bond is required of all bidders (a bid that does not include a bid bond cannot be counted toward the 3-bid minimum requirement). Performance and payment bonds of 100% of the contract price is required of the winning bidder.
7. Award the contract on a firm fixed-price basis.
8. Award the contract to the lowest responsive, responsible bidder. Governing board approval is required and cannot be delegated. The

governing board may reject and all bids only for “sound documented reasons.”

I. Construction or repair contracts involving a building costing \$300,000 and above must comply with the following additional requirements under state law:

1. Formal HUB (historically underutilized business) participation required under G.S. 143-128.2, including local government outreach efforts and bidder good faith efforts, shall apply.
2. Separate specifications shall be drawn for the HVAC, electrical, plumbing, and general construction work as required under G.S. 143-128(a).
3. The project shall be bid using a statutorily authorized bidding method (separate-prime, single-prime, or dual bidding) as required under G.S. 143-129(a1).

J. Contracts for Architectural and Engineering Services costing under \$250,000 shall be procured using the state “Mini-Brooks Act” requirements (G.S. 143-64.31) as follows:

1. Issue a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided for under 2 C.F.R. § 200.321.
3. Evaluate the qualifications of respondents based on the evaluation criteria developed by the Purchasing Department and/or Requesting Department.
4. Rank respondents based on qualifications and select the best qualified firm. Price cannot be a factor in the evaluation. Preference may be given to in-state (but not local) firms.
5. Negotiate fair and reasonable compensation with the best qualified firm. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
6. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

K. Contracts for Architectural and Engineering Services costing \$250,000 or more shall be procured using the Uniform Guidance “competitive proposal” procedure (2 C.F.R. § 200.320(d)(5)) as follows:

1. Publically advertise a Request for Qualifications (RFQ) to solicit qualifications from qualified firms (formal advertisement in a newspaper is not required). Price (other than unit cost) shall not be solicited in the RFQ.
2. Take affirmative steps to solicit price quotes from M/WBE vendors and suppliers as provided under 2 C.F.R. § 200.321.
3. Identify the evaluation criteria and relative importance of each criteria (the criteria weight) in the RFQ.

4. Proposals must be solicited from an “adequate number of qualified sources” (an individual federal grantor agency may issue guidance interpreting “adequate number”).
5. Must have a written method for conducting technical evaluations of proposals and selecting the best qualified firm.
6. Consider all responses to the publicized RFQ to the maximum extent practical.
7. Evaluate qualifications of respondents to rank respondents and select the most qualified firm. Preference may be given to in-state (but not local) firms provided that granting the preference leaves an appropriate number of qualified firms to compete for the contract given the nature and size of the project.
8. Price cannot be a factor in the initial selection of the most qualified firm.
9. Once the most qualified firm is selected, negotiate fair and reasonable compensation. If negotiations are not successfully, repeat negotiations with the second-best qualified firm.
10. Award the contract to best qualified firm with whom fair and reasonable compensation has been successfully negotiated. Governing board approval is not required.

V. Exceptions

Non-competitive contracts are allowed **only** under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds:

- A. Sole Source.** A contract may be awarded without competitive bidding when the item is available from only one source. The Purchasing Department and/or Requesting Department shall document the justification for and lack of available competition for the item. A sole source contract must be approved by the governing board.
- B. Public Exigency.** A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from a competitive bidding.
- C. Inadequate Competition.** A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this Policy does not result in a qualified winning bidder.

- D. Federal Contract.** A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.
- E. Awarding Agency Approval.** A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.



8. Conflicts of Interest & Gift Policy

Uniform Guidance Conflict of Interest Policy For Eastern Carolina Council of Governments

I. Purpose

The purpose of this policy is to establish conflicts of interest guidelines that meet or exceed the requirements under state law and local policy when procuring goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects paid for in part or whole by federal funds and required under 2 C.F.R. § 200.318(c)(1).

II. Policy

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

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

A. Conflicts of Interest. In addition to the prohibition against self-benefiting from a public contract under G.S. 14-234, no officer, employee, or agent of Eastern Carolina Council of Governments may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A real or apparent conflict exists when any of the following parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for award of a contract:

1. the employee, officer, or agent involved in the selection, award, or administration of a contract;
2. any member of his or her immediate family;
3. his or her partner; or

4. an organization which employs or is about to employ any of these parties.

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

B. Gifts. In addition to the prohibition against accepting gifts and favors from vendors and contractors under G.S. 133-32, officers, employees, and agents of Eastern Carolina Council of Governments are prohibited from accepting or soliciting gifts, gratuities, favors, or anything of monetary value from contractors, suppliers, or parties to subcontracts. Items of nominal value valued at less than \$50 which fall into one of the following categories may be accepted:

1. promotional items;
2. honorariums for participation in meetings; or
3. meals furnished at banquets.

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

III. Violation

Employees violating this policy will be subject to discipline up to and including termination. Contractors violating this policy will result in termination of the contract and may not be eligible for future contract awards.