

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SESSION LAW 2007-205
HOUSE BILL 513**

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO ALLOW THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DETERMINE WHETHER THE COMPETITIVE PROPOSAL METHOD IS APPROPRIATE FOR PUBLIC TRANSIT PURCHASES AND PROVIDING THAT THE CITY MAY LET CONTRACTS FOR THE ACQUISITION OR MAINTENANCE OF TRANSIT EQUIPMENT OR FACILITIES IN THE MANNER PRESCRIBED BY THE FEDERAL GOVERNMENT WHEN THE PROJECT IS FUNDED IN WHOLE OR IN PART WITH FEDERAL FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 8.87 of the Charter of the City of Charlotte, being S.L. 2000-26, as amended by S.L. 2000-61 and S.L. 2003-197, reads as rewritten:

"Section 8.87. Transit Procurements. (a) In addition to other authorized methods of procurement, the City of Charlotte may contract for the purchase, lease, or other acquisition of any apparatus, supplies, materials, or equipment for public transit purposes using the competitive proposal method provided in G.S. 143-129(h). The City Council may delegate to the City Manager, subject to any conditions or restrictions it deems appropriate, the authority to make findings of fact that procurement by competitive proposal is the most appropriate acquisition method prior to the issuance of requests for proposals, as required by G.S. 143-29(h).

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

(c) All contracts for the acquisition, construction, enlargement, improvement, or maintenance of transit equipment or facilities shall be made pursuant to the laws of North Carolina governing the making of like contracts. However, where the acquisition, construction, improvement, enlargement, or maintenance of transit equipment or

facilities is financed wholly or partly with federal funds, the City may let contracts in the manner prescribed by the federal authorities, acting under the laws of the United States and any rules, regulations, or other directives made thereunder notwithstanding any other State law to the contrary."

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

In the General Assembly read three times and ratified this the 10th day of July, 2007.

s/ Beverly E. Perdue
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives