

**Windsor, North Carolina  
June 4, 2018  
REGULAR MEETING**

The Bertie County Board of Commissioners met for their regular meeting today inside the Commissioners Room, 106 Dundee Street, Windsor, NC. The following members were present or absent:

Present: Ronald "Ron" Wesson, District I  
Tammy A. Lee, District III  
John Trent, District IV  
Ernestine (Byrd) Bazemore, District V

Absent: Stewart White, District II

Staff Present: County Manager Scott Sauer  
Clerk to the Board Sarah Tinkham  
Assistant County Attorney Jonathan Huddleston  
Finance Officer William Roberson  
ICMA/NCACC Management Fellow Dominique Walker  
Sheriff John Holley  
Economic Development Director Steve Biggs  
Cooperative Extension Director Billy Barrow  
Register of Deeds Annie Wilson  
Department of Social Services Director Cindy Perry

Gene Motley of the Roanoke-Chowan News Herald was present from the media.

**CALL TO ORDER**

Chair Bazemore called the meeting to order.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Vice Chairman Wesson led the Invocation and Pledge of Allegiance.

## PUBLIC COMMENTS

Pea Spivey announced to all of those present that she was looking to create a proposal and open a community center in the future to help those who are “down and out” who are in need of housing, clothing, or assistance in finding jobs including adults and youth. She asked that if anyone had the desire to help or any contacts that could assist her to please let her know.

Anne Lunsford, a long time Windsor resident, expressed her concerns with relocating a new, joint library and cooperative extension office too far away from the Town of Windsor. She asked that the Board reconsider and to instead find a suitable location within walking distance with a safe walking path for local residents to utilize. She suggested empty lots on Granville Street or a restoration of the old Windsor Castle.

Her husband, Phil Lunsford, noted the continued decline in businesses and new residents in the Town of Windsor, and he echoed the same concerns that his wife presented. He also requested the Board come up with a plan for the old DSS Building.

Another citizen mentioned some of the same concerns and wanted the Board to remember that many citizens in the County face transportation challenges. Because of this, she questioned how this could be a good idea for the citizens of Windsor.

There was also a comment made about whether or not anyone had reached out to the library’s management and if anyone had asked library patrons about how they normally get to the library either by walking, biking, or car.

Safety concerns were also expressed about the lack of sidewalks if the library were to be relocated outside of downtown.

Vice Chairman Wesson addressed the audience about how this potential relocation became to be. Due to flooding concerns, it was deemed impractical to build a new structure inside of a flood zone. It would have also been unwise to consider existing structures for the same reason. As many are aware, the entire downtown area of Windsor is in a flood zone. This would also make insurance difficult to obtain. He continued by noting that the Board had followed the proper procedures in exploring a site closer to Downtown Windsor that was out of the flood zone which was a property behind Lasca’s Restaurant. However, that site was deemed ineligible due to ground water contamination. He also addressed a plan for the old DSS Building and expressed that several attempts had been made to relocate other county related facilities, but due to zoning and unfavorable citizen feedback, the building has not been considered further.

Judge Brenda Branch provided her account of Vice Chairman Wesson’s comments, and supported his comments, and assured all present that the Board as a whole has always been concerned about protecting the downtown area while also grappling with the reality that the area is prone to flooding. She stated that it was made very clear to her that protecting the library was their utmost priority.

A citizen asked the Board whether or not they had addressed citizens in the old DSS building neighborhood for their thoughts on a library and cooperative extension building being placed there instead of a teacher housing building. She expressed that the building is currently an eye sore.

Commissioner Trent replied that several agencies were currently studying and exploring ways of flood prevention and in the meantime the County needs to prepare for the worst. This does involve relocating essential infrastructure to higher ground.

Charles Whitehead of Windsor asked why the Board would consider using additional tax dollars to build new structures instead of utilizing land currently owned by the County especially if there are eye sores (like the old DSS Building) that could be addressed or reused.

Vice Chairman Wesson reiterated that the area of the current DSS Building is currently zoned as residential and elaborated on the benefits of relocating structures to higher ground. He said that it was simply impractical to expect businesses to stay in the County in Windsor for the long term with the constant potential of flooding during even large rain events without even bringing tropical storms or hurricanes into consideration.

At this time, Chair Bazemore closed the public comments session.

## APPOINTMENTS

### **(1) Order of the Long Leaf Pine – presented to Wayne Attkisson, D.D.S.**

At this time, Chair Bazemore welcomed newly retired Dr. Wayne Attkisson, D.D.S. to the meeting, and invited him to the front of the room.

After a short speech, and the reading of his certificate, Chair Bazemore presented Dr. Attkisson with the highest honor that can be bestowed on a civilian – the Order of the Long Leaf Pine.

Over 30 friends and family members were present for this ceremony including the staff of his former practice that has now been taken of by Dr. Jonathan Hairr, D.D.S.

There was a short break for press photos and for family and friends to exit the room for a reception nearby.

### **(2) Republic Services response to convenience site concerns by Mike Kavanaugh, Division Manager**

Mr. Kavanaugh was present to address recent concerns that had been forwarded to him from County Manager Sauer.

He noted that photos had been submitted to Mr. Sauer showing the driveway and site improvements made to the Rosemead and Hardentown convenience sites.

A box blade has been purchased to prevent potholes and other driveway issues in not only the Bertie sites, but all of their service area.

He also provided an update about a relocation of the Hardentown compactor. This item is being addressed currently with an electrician working to determine an estimate as well as whether or not an electrical line needs to be trenched or run outside of the fencing at that site.

It is expected that this relocation could fix the congestion at this site.

The Board thanked Mr. Kavanaugh for this update.

**(3) CDBG Broadband grant update by Curtis Wynn of Roanoke Electric Cooperative  
(REC)**

Economic Development Director, Steve Biggs, provided short remarks first. He stated that one of the biggest challenges any rural Economic Development Director faces is broadband access.

As such, he was happy to announce that through the County's partnership with Roanoke Electric Cooperative, a CDBG broadband grant of \$250,000 had been funded on January 5, 2018. He noted that the environmental review and posting period had been completed, and that the grant is currently in the hands of the HUDD Office in Greensboro.

Once HUDD reviews the grant and approves it, funding will then be dispersed to the Mid-East Commission and to Roanoke Electric Cooperative to proceed with the project.

At this time, Mr. Biggs introduced Curtis Wynn, President & CEO of Roanoke Electric Cooperative.

Mr. Wynn thanked the Board for the opportunity to address the Board about this project and noted that consultants from ECC Technologies were also present to provide additional details.

For timeline reference, the project began just over 4 years ago. The original goal in mind was to connect substations in the service area, but after reviewing the cost analysis, this did not provide any energy savings for member owners. The broadband project will now be available to the entire service area in all 5 counties, including Bertie County.

He expressed that REC was in the "crawl, walk, run" phase of the venture and that REC has never offered broadband, but the pilot program was currently going well, and payments from customers in that program are already being remitted.

At this time, ECC Technologies presented a PowerPoint presentation that showed the areas and residences in Bertie that would be served by the broadband project.

Depending on the success of the project, the customer base could be expanded to non-REC members in the future.

The timeline is 30 months as listed in the grant project, and a request for proposal process will begin in the very near future for poles as well as installation equipment on the poles that will provide the broadband service. The County will need to advertise the RFPs and collect the bids.

#### **(4) Funding request by Jodey Sarey of the Bertie County Fire Association**

Jodey Sarey of the Bertie County Fire Association reported that among the 12 fire departments in Bertie County, there was a total of 184 calls for fire service during the first quarter of 2018. Most of which were vehicle accident responses.

He also noted that a total of 9 departments had received the State Department of Insurance grant totaling \$143,768. Every department that applied had received everything they had asked for in their budgets.

Additionally, the Mid-Way/Merry Hill and Windsor Fire Departments received a forestry services grant of \$5,000 per department. Mr. Sarey noted that his department chose to invest in a VIPER radio system as communication during disasters can still be a challenge.

To address his funding request, Mr. Sarey expressed the need for GAP insurance for firefighters in the event of an injury before worker's compensation is utilized. This insurance will cover an individual during trainings, fundraisers, a spouse, and travel between these events.

A 40% discount is applied for a group policy, and to include all firefighters that currently are not offered GAP insurance, it will total just under \$10,500.

Vice Chairman Wesson also reiterated his concerns in understand the overall needs for the fire departments in Bertie County.

County Manager Sauer noted that a consultant study had been budgeted for the fire departments in the proposed budget, and that this would be utilized if it was approved during budget deliberations.

**(5) Presentation of the proposed FY2018-2019 budget plan by County Manager,  
Scott Sauer**

County Manager, Scott Sauer, began by stating that NC Local Government Budget and Fiscal Control Act requires the County Manager to present a balanced budget and fiscal plan for the new fiscal year beginning July 1, and that this was the purpose of his presentation for tonight.

Mr. Sauer discussed the evaluation of budget requests and priorities set by the governing body, required an analysis of available revenues based on the estimated tax base (assessed property values), the appropriation of fund balances reserves and review of all other General Fund revenue estimates. Agency funding proposals and departmental budget requests were submitted for FY 2018-2019, and if funded would have required a tax rate increase of 33.9 cents with no use of appropriated fund balance reserves.

The proposed funding for the General Fund in FY 2018-2019 is \$24,926,244 which is an increase of \$1,013,400 or 4.2 percent above the original budget ordinance for the current year. Balancing the funding requirements for the proposed General Fund expenditures is a fund balance appropriation of \$1,902,304 and a recommended increase in the ad valorem tax rate of five cents. One penny on the tax rate will yield \$126,548 as estimated by the Tax Assessor.

Five cents on the tax rate will yield an additional \$632,735.

He continued by highlighting several projects that the County had funded by the General Fund budget for the current fiscal year (FY 2017-2018) including the initial phase in security improvements for the Courthouse as recommended by Chief District Court Judge Brenda Branch and Resident Superior Court Judge Cy Grant. Construction of the sally port for inmate transfer from vehicles to the security corridor is nearly complete. The entry point for screening persons entering the Courthouse vestibule connector with the County Administration building will be completed in July of this year. Public safety and security enhancements remain a very high priority for the Board of Commissioners for next fiscal year, as noted below including the Courthouse security staffing, school security improvements and Bertie Martin Regional Jail staff retention.

He also highlighted primary increases for recommended FY2018-2019 expenditures.

Mr. Sauer then reviewed the ongoing recovery efforts from both Tropical Storm Julia and Hurricane Matthew in 2016, as well as discussed, the groundbreaking for the new EMS Station One which was destroyed during Hurricane Matthew and funding that will be received for that building's construction.

With support from the State of North Carolina in the amount of \$300,000 and FEMA reimbursements estimated at \$284,299 for this project.

EMS Station One is one of three County facilities impacted by flooding which must be replaced, in addition to the public library and Cooperative Extension offices. The County recently (last week) selected a new site to locate both the public library and our Cooperative Extension offices on South King Street at the intersection with Lancaster Avenue. Planning and design for the joint facility for the library and Cooperative Extension is being funded through a \$500,000 grant from the Golden LEAF Foundation. In December 2017, the Golden LEAF Foundation also announced a grant of \$2.75 million for construction of this facility to assist Bertie County with replacement of these critical facilities.

In closing, Mr. Sauer thanked the Finance Officer, William Roberson, for his dedicated service in assisting in the preparation of the FY2018-2019 budget, as well as to all department heads for their submissions. He also noted that the Board would be meeting for budget work sessions beginning tomorrow, and that he had anticipated some changes to his proposed budget.

The Board encouraged citizens to attend these budget work sessions so that they may be involved with the budget process.

If you would like more information, and to view the proposed budget or any of the County's latest audits, please visit <https://co.bertie.nc.us>.

**NOTE:** The Bertie County Board of Commissioners has since approved a final budget that does not include a tax increase. The final budget was approved on June 11, 2018 during the Board's required public hearing. The approved budget is also available online at the website stated above.

## **BOARD APPOINTMENTS**

### **CPTA Board**

Commissioner Lee made a **MOTION** to reappoint L.C. Hoggard, III. to the CPTA Board. Vice Chairman Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **ABC Board**

Commissioner Trent made a **MOTION** to reappoint Mike Freeman to the ABC Board. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.



## CONSENT AGENDA

The Consent Agenda was approved as follows:

1. **Minutes** – Regular Session 5-7-18, Special Meeting 5-7-18, Closed Session 5-15-18
2. **Fees Report** – May 2018
3. **Budget Amendments**
4. **Records Retention and Disposition Schedule** – County Management
5. **Contract** – Jeff Best, CPA, auditing services for fiscal year ending June 30, 2018

Commissioner Wesson made a **MOTION** to approve the Consent Agenda in its entirety with the discussed changes and clarifications. Commissioners Lee and Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

## DISCUSSION AGENDA

### **1. Review land acquisition (Lancaster property) status for public library and cooperative extension on South King Street in Windsor**

This item was deferred.

### **2. Review land acquisition (County Farm Road) for firefighter training site in conjunction with Martin Community College and the Town of Windsor**

At this time, Vice Chairman Wesson updated the Board on his meeting with the executive team of Cashie Golf & Country Club. He stated that the County had negotiated an offer of \$14,500 for a 5.2-acre piece of property for a firefighter training facility in conjunction with Martin Community College and the Town of Windsor.

Deed filing transfer fees (including for the  $\frac{3}{4}$  acre piece currently being used as the Club's driving range) would be handled by the Cashie Golf & Country Club and all legal fees will be the responsibility of each entity.

Vice Chairman Wesson made a **MOTION** to move forward with this transaction under the terms discussed. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

### **3. Discuss status of local legislation for Teacher Housing Initiative**

Vice Chairman Wesson briefly reviewed the teacher housing initiative timeline and also discussed the latest update with the project.

Very recently, Senator Erica Smith and Representative Howard Hunter supported legislation that would give Bertie County the authority to erect and manage a teacher housing unit.

The zero-interest loan for the project is being reviewed by State Employees Credit Union, and a decision will be made either this month or in July about whether or not the Windsor Townships Development Commission application was approved.

Vice Chairman Wesson thanked Economic Development Director Steve Biggs for his help in working to make this project happen.

### **4. Discuss and consider 2 resolutions for NC Local Government Commission: a) compliance with changes to pre-audit certification requirements for electronic obligations and payments; and b) uniform guidance procurement standards effective July 1, 2018**

Commissioner Lee made a **MOTION** to approve the following:

- a) Resolution – compliance with changed to pre-audit certification requirements for electronic obligations and payments
  
- b) Uniform Guidance procurement policy compliance statement: “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),” including the following: Equal Employment Opportunity (41 C.F.R. Part 60); Davis-Bacon Act (40 U.S.C. 3141-3148); Copeland “Anti-Kickback” Act (40 U.S.C. 3145); Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708); Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387); Debarment and Suspension (Executive Orders 12549 and 12689); Byrd Anti-Lobbying Amendment (31 U.S.C. 1352); Procurement of Recovered Materials (2 C.F.R. § 200.322); and Record Retention Requirements (2 CFR § 200.324)

2) Bertie County Uniform Guidance Procurement Policy as recommended by NC Local Government Commission Memorandum #2018-6.

3) Bertie County Uniform Guidance Conflicts and Gifts Policy as recommended by NC Local Government Commission Memorandum #2018-6.

4) By reference, Appendix II of (2 C.F.R. Part 200), including the use of the “short form” as recommended by the UNC School of Government --  
FEDERAL FUNDS: If the source of funds for this contract is federal funds, the following federal provisions apply pursuant to 2 C.F.R. § 200.326 and 2 C.F.R. Part 200, Appendix II (as applicable)

5) Appropriate staff review of “Comparison of Federal and State Procurements for North Carolina Local Governments”

6) Appropriate staff review of NC LGC Memorandum #2018-6

Vice Chairman Wesson **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Lee made a **MOTION** to approve the uniform guidance procurements standards effective July 1, 2018. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The uniform guidance procurement policy & conflict of interest gift policy effective July 1, 2018 read as follows:



**BERTIE COUNTY**

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WINDSOR, NORTH CAROLINA 27983  
(252) 794-5300  
FAX: (252) 794-5327  
WWW.CO.BERTIE.NC.US

**BOARD OF  
COMMISSIONERS**

ERNESTINE (BYRD) BAZEMORE, Chair  
RONALD "RON" WESSON, Vice Chairman  
JOHN TRENT  
TAMMY A. LEE  
STEWART WHITE

**RESOLUTION AUTHORIZING BERTIE COUNTY TO ENGAGE IN  
ELECTRONIC PAYMENTS AS DEFINED BY  
G.S. 159-28 OR G.S. 1150-441**

**WHEREAS**, it is the desire of the Bertie County Board of Commissioners that Bertie County Local Government Offices are authorized to engage in electronic payments as defined by G.S. 159-28 or G.S. 1150-441

**WHEREAS**, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Bertie County Board of Commissioners to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

**WHEREAS**, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Bertie County Board of Commissioners, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410;

**NOW, THEREFORE, BE IT RESOLVED**, by the Bertie County Board of Commissioners of Bertie County, NC:

*Section 1. Authorizes Bertie County to engage in electronic payments as defined by G.S. 159-28 or G.S. 1150-441;*

*Section 2. Authorizes the Finance Officer to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;*

*Section 3. Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410; and*

*Section 4. This resolution shall take effect immediately upon its passage.*

This the 4<sup>th</sup> day of June, 2018.



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Ernestine Bazemore, Chair  
Bertie County Board of Commissioners

I, Sarah Tinkham, Clerk to the Bertie County Board of Commissioners do hereby certify that the foregoing resolution is a true and exact copy of the "Resolution authorizing Bertie County to engage in electronic payments as defined by G.S. 159-28 or G.S. 115C-441" duly adopted by the Bertie County Board of Commissioners at their regular meeting thereof duly called and held with a quorum present on this the 4<sup>th</sup> day of June, 2018.

Witness my hand in Bertie County, NC on this 4<sup>th</sup> day of June, 2018.

ATTEST:



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Sarah S. Tinkham, Clerk to the Board  
Bertie County Board of Commissioners

## Bertie County Uniform Guidance Procurement Policy For North Carolina Local Governments

*Comment: When spending federal grant and loan award funds, local governments are required to adopt written procurement policies that confirm to applicable federal law and the Uniform Guidance. (2 C.F.R. § 200.318(a)) This sample policy contains language found in the relevant sections of the Uniform Guidance, 2 C.F.R. Part 200, relating to procurement requirements. Local governments should review their own local policies and consult with their attorneys to make modifications as needed to conform to local purchasing practices (such as approval processes and use of purchasing cards and purchase orders) when adopting this policy. For individual contracts, local governments also should consult their grant award documents and with their federal grantor agency to determine whether additional procurement requirements apply.*

### 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.

### 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. Bertie County will follow all applicable local, state, and federal procurement requirements when expending federal funds. Should Bertie County 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.
- 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 \$150,000 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 \$3,500** 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 \$3,500 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.”

**D. Service Contracts** (except for A/E professional services) **costing \$150,000 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 \$3,500** 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 \$3,500 up to \$150,000** 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 \$150,000 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 \$150,000** 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 \$150,000 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.

### Bertie County Uniform Guidance Conflict of Interest and Gift Policy For North Carolina Local Governments

*Comment: When spending federal award funds, local governments are required to adopt written policies governing conflicts of interest and gifts. 2 C.F.R. § 200.318(c)(1). This sample policy contains language found in the relevant sections of the Uniform Guidance, 2 C.F.R. Part 200,*

*relating to conflicts of interest and gifts. Local governments should review their own local policies and consult with their attorneys when adopting this policy.*

**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 the Bertie County Government 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 the Bertie County 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 \$10.00 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.

#### **c) Discuss approval of water shortage response plan for Bertie County Regional Water Districts**

No discussion was needed.

Vice Chairman Wesson made a **MOTION** to approve the water shortage response plan for the Bertie County Regional Water Districts. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The water shortage response plan for Bertie County Regional Water Districts reads as follows:



**BERTIE COUNTY**

106 DUNDEE STREET  
POST OFFICE BOX 530  
WINDSOR, NORTH CAROLINA 27983  
(252) 794-5300  
FAX: (252) 794-5327  
WWW.CO.BERTIE.NC.US

**BOARD OF  
COMMISSIONERS**

ERNESTINE (BYRD) BAZEMORE, Chair  
RONALD "RON" WESSON, Vice Chairman  
JOHN TRENT  
TAMMY A. LEE  
STEWART WHITE

**RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for Bertie County Water Districts I, II, III, and IV, has been developed and submitted to the Board for Bertie County Water District I, II, III, and IV for approval; and

**WHEREAS**, the Board for Bertie County Water District I, II, III, and IV finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for Bertie County Water Districts I, II, III, and IV as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Board for Bertie County Water District I, II, III, and IV that the Water Shortage Response Plan entitled, dated is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and,

**BE IT FURTHER RESOLVED** that the Board for Bertie County Water District I, II, III, and IV intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 4th day of June, 2018.

A handwritten signature in black ink, appearing to read "Ernestine Bazemore".

Ernestine Bazemore, Chair  
Bertie County Board of Commissioners

ATTEST:

A handwritten signature in black ink, appearing to read "Sarah Tinkham".

Sarah Tinkham, Clerk to the Board  
Bertie County Board of Commissioners

**d) Review schedule of budget work sessions and public hearing on June 11<sup>th</sup> at 7:00 PM**

Chair Bazemore noted the following schedule sessions:

- Tomorrow, Tuesday, June 5<sup>th</sup> – Budget Work Session
- Wednesday, June 6<sup>th</sup> – Budget Work Session
- Monday, June 11<sup>th</sup> – Budget Public Hearing

These are informational only.

**COUNTY MANAGER'S REPORTS**

County Manager Sauer announced that the Bertie County Public School System had reduced the rent at the current EMS Station One at the Bertie Early College. The rent dropped from \$5,000 to \$2,500 per month.

### **COUNTY ATTORNEY REPORTS**

The County Attorney had no report at this time.

### **PUBLIC COMMENTS**

Judge Brenda Branch discussed grants that she had recently applied for on behalf of Teen Court. She stated that there had been recent grant denials, but she stated that she would continue to apply for any other grants that become available.

She also discussed her initiatives for fire drills at the County Courthouse as well as an upcoming active shooter drill.

Sheriff John Holley requested that the Board strongly consider his budget as proposed as there is a strong need for additional School Resource Officers in Bertie County Schools. He also provided a brief update on the swimmer that had recently gone missing whose body has since been recovered.

## **COMMISSIONERS REPORTS**

### **Chair Bazemore**

Chair Bazemore thanked Dominique Walker for all of her work on the Poverty Commission and getting that board on track with a regular meeting schedule.

### **Commissioner Trent**

Commissioner Trent provided a brief update about the courthouse sally port construction. Brick has been completed, painting is on deck next. Security initiatives will be the next large project regarding safety at the courthouse.

### **Commissioner Lee**

Commissioner Lee discussed her experience at Rural Day and County Assembly Day in Raleigh last week. Broadband, health, and small business were largely discussed topics at Rural Day. Governor Cooper also gave brief remarks at the event. A lot of the same topics were discussed at County Assembly Day and Commissioners were also given time to meet with their State legislators.

She also announced that a health survey was available and would be posted on the Bertie County Facebook page. The survey is very important so that Albemarle Regional Health Services and

Three Rivers Healthy Carolinians can properly capture the true health needs of Bertie County citizens.

**Commissioner White**

No reports as Commissioner White was absent.

**Vice Chairman Wesson**

Vice Chairman Wesson was pleased to announce that effective June 12<sup>th</sup>, the Blue Jay Volunteer Fire Department would be receiving an endowment grant from a citizen. This endowment will grow over the years from now until the citizen's death, and upon her passing, a large part of her estate will be included in this endowment for Blue Jay as well.

Additionally, the Vice Chairman thanked Representative Hunter and Senator Smith for their swift legislative action on County Assembly Day giving the County the authority to erect and manage a teacher housing complex as required by State law.

Lastly, Vice Chairman Wesson promoted the new Board/Commission/Committee appointment process, and encouraged all of those present to visit the County's website to see the current vacancies available on various boards.

**RECESS**

Chair Bazemore **RECESSED** the meeting until tomorrow, June 5<sup>th</sup> at 9:00 AM.

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Ernestine Bazemore, Chair

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Sarah S. Tinkham, Clerk to the Board