



To: City of Jacksonville  
From: Eileen Youens, JD  
Shannon Tufts, PhD  
Date: December 8, 2010  
Re: City of Jacksonville Cisco Convenience Contract

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The City of Jacksonville's Cisco Convenience Contract, and its associated role as Lead Public Agency for the North Carolina Local Government Information Systems Association's group purchasing agreement for a Cisco Convenience Contract, has been reviewed by the UNC School of Government during the request for proposal and contracting processes and after the award of the contract.

The following items have been reviewed to ensure legal compliance with North Carolina General Statutes and are described in greater detail below:

- 1) the establishment of a North Carolina Local Government Information Systems Association (NCLGISA) purchasing group;
- 2) the Request for Proposals (RFP) and contracting process, which establishes the City of Jacksonville the Lead Public Agency for the Cisco Convenience Contract;
- 3) the selection process used for contract award;
- 4) the non-binding nature of the contract; and,
- 5) the local jurisdiction right to determine if participation in the NCLGISA Purchasing Group is allowed

1. The establishment of a North Carolina Local Government Information Systems Association (NCLGISA) purchasing group:
  - a. The North Carolina Local Government Information Systems Association (NCLGISA), in accordance with North Carolina General Statute 143-129(e)(3), is legally permitted to operate a "competitive bidding group purchasing program, which is a formally organized program that offers competitively obtained purchasing services at discount prices to two or more public agencies".
  - b. Participation in the North Carolina Local Government Information Systems Association is open to all North Carolina local government units and NC K-12 public schools. Community colleges, state agencies and public universities are also welcome as associate members. According to North Carolina general statutes, only local governments (such as counties and municipalities) and K-12 educational institutions can participate in the NCLGISA Purchasing Group (i.e. these institutions are exempt from required purchasing through NC Department of Administration).
2. The Request for Proposals (RFP) and contracting process, which establishes the City of Jacksonville the Lead Public Agency for the Cisco Convenience Contract:
  - a. The use of "Lead Public Agency" is the primary vehicle for most competitive bidding group purchasing programs, including US Communities. The use of this model by the City of Jacksonville is in accordance with other legally established purchasing groups.



3. The selection process used for contract award:
  - a. The City of Jacksonville clearly articulated its selection criteria in the Request for Proposals (RFP) on pages 14 and 21.
  - b. The RFP also indicated that “the intention of the City of Jacksonville to award this contract to a qualified responsive and responsible responder or group of responders who meet the requirements of the RFP specifications, fall within the noted evaluation criteria below, and offer the overall greatest discount percentages for each category of hardware, software and manufacturer’s maintenance”.
  
4. The non-binding nature of the contract:
  - a. Per the Jacksonville Request for Proposals, the following information outlines the terms and conditions of the contract award:  
(Page 13) “**Non-Exclusive Contract:** This contract is non-exclusive and shall not in any way preclude the City of Jacksonville from entering into any similar contracts and/or arrangements with other vendors or from acquiring similar equal or like goods and/or service from other entities or sources.”
  
5. The local jurisdiction right to determine if participation in the NCLGISA Purchasing Group is allowed:
  - a. By virtue of the establishment of the NCLGISA Purchasing Group as a competitive bidding group purchasing program as defined in North Carolina General Statute 143-129(e)(3), any local government member (or K-12 member) is permitted to purchase from any group convenience contract without relying on traditional bid processes. However, North Carolina General Statute 143-129(e)(3) does not preempt local government purchasing rules, as established by individual units of government. If an authorized member of the NCLGISA purchasing group wants to use the convenience contract, they can only do so if allowed by individual jurisdiction regulations. The City of Jacksonville RFP and Contract for the Cisco Convenience Contract clearly establish that the purchasing group does not preempt other jurisdictional requirements: (Page 13) “These objectives do not preempt Participating Public Agencies from using other contract vehicles or competitive processes as required by law.”