



**WINTERVILLE TOWN COUNCIL AGENDA
MONDAY, NOVEMBER 13, 2023 - 6:00 PM
WINTERVILLE TOWN HALL ASSEMBLY ROOM**

- I. **CALL TO ORDER.**
- II. **INVOCATION.**
- III. **PLEDGE OF ALLEGIANCE.**
- IV. **WELCOME.**
- V. **APPROVAL OF AGENDA.**
- VI. **RECOGNITION OF NEW EMPLOYEES:**
 1. Trickey Finch, Office Manager, Fire-Rescue-EMS Department.
- VII. **PROCLAMATIONS:**
 1. International Migrant Month – December 2023.
 2. Volunteer Recognition Month – December 2023.
- VIII. **PUBLIC COMMENT:** *The Public Comment period of thirty minutes provides an opportunity for residents to comment on any item included in the agenda or to address the Town Council on any other matter related to the Town of Winterville. For an item included in the Public Hearing section of the agenda, residents should address the Council at the time the Mayor invites public comment on the item. No public comment may be made to the Council during the meeting, except during the Public Comment period or as part of a Public Hearing. Individual speakers are limited to a maximum of three minutes, and no more than three speakers may address the Council on a single matter. The Town Council may elect to take no action on the matter addressed by a speaker, may schedule the matter for further consideration at a future Council meeting, or may refer the matter to Town staff for disposition. Copies of the Town Public Comment Policy are available in the rear of the Assembly Room.*
- IX. **CONSENT AGENDA:** *The following items are considered routine in nature and will not be discussed by the Town Council unless a Councilman or citizen requests that an item be removed from the Consent Agenda for further discussion. The Mayor may allow citizens to address an item or ask questions.*
 1. Budget Amendment 23-24-3.
 2. Approval of NCDOT Purchase of Right-of-Way and Approval for Mayor to Sign the Associated Paperwork.
- X. **NEW BUSINESS:**
 1. Approval for Staff to Enter Contract Negotiations for Electric Engineering with RGrid Power, PLLC.
- XI. **OTHER AGENDA ITEMS.**
- XII. **ITEMS FOR FUTURE AGENDAS/FUTURE WORK SESSIONS.**

XIII. ANNOUNCEMENTS:

- Coffee with a Cop: Friday, November 17, 2023 @ 9:00 am – Winterville Community Room.
- Planning and Zoning Board Meeting: Monday, November 20, 2023 @ 7:00 pm - Town Hall Assembly Room.
- Board of Adjustment Meeting: Tuesday, November 21, 2023 @ 7:00 pm - Town Hall Assembly Room.
- Recreation Advisory Board: Tuesday, November 28, 2023 @ 6:30 pm – Operation Center.
- Thanksgiving Holiday – Town Offices Closed: Thursday, November 23, 2023 and Friday, November 24, 2023.
- Town Christmas Dinner: Friday, December 1, 2023 @ 5:30 pm – The Cotton Barn.
- Agenda Review Meeting: Thursday, December 7, 2023 @ 4:00 pm – Town Hall Executive Conference Room.
- Regular Town Council Meeting: Monday, December 11, 2023 @ 6:00 pm - Town Hall Assembly Room.
- Christmas Activities Day: Saturday, December 9, 2023 – Parade @ 2:00 pm; Market on the Square @ 3:00 pm; and Tree Lighting Ceremony @ 5:00 pm.
- Coffee with a Cop: December 15, 2023 @ 9:00 am – Winterville Community Room.
- Cops on the Roof: December 15, 2023 Beginning at 10:00 am @ Walmart Supercenter, Greenville Boulevard, Greenville, NC.
- Human Relations Board Meeting: Thursday, December 21, 2023 @ 7:00 – Town Hall Executive Conference Room.
- Shop with a Cop: December 22, 2023, Winterville Police Department.
- Christmas Holiday – Town Offices Closed: Monday, December 25, 2023 through Wednesday, December 27, 2023.
- New Year Holiday – Town Offices Closed: Monday, January 1, 2023.

XIV. REPORTS FROM THE TOWN ATTORNEY, MAYOR AND TOWN COUNCIL, AND TOWN MANAGER.

XV. CLOSED SESSION: NCGS § 143-318.11. (a)(3) and (a)(5). (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.

(a)(5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract (Potential Acquisition of Real Property and Attorney Client Privilege).

XVI. ADJOURN.

SPECIAL NOTICE: *Anyone who needs an interpreter or special accommodations to participate in the meeting should notify the Terri L. Parker, Town Manager at (252) 756-2221 ext. 2341 at least forty-eight (48) hours prior to the meeting. (Americans with Disabilities Act (ADA) 1991.)*



PROCLAMATION
International Migrant Month

WHEREAS, the Town of Winterville is home to a diverse and vibrant community of residents hailing from all corners of the world, who have contributed immeasurably to the cultural, economic, and social fabric of our city; and

WHEREAS, international migration has long been a driving force behind the growth and development of Winterville, enriching our community with a wealth of talent, skills, traditions, and perspectives that have made us stronger, more resilient, and more inclusive; and

WHEREAS, today, December 18th, marks International Migrants Day, a day recognized by the United Nations to celebrate the contributions of migrants worldwide and to reaffirm our commitment to the rights, dignity, and well-being of all migrants, regardless of their origin; and

WHEREAS, we believe that our town's strength lies in its diversity, and we are committed to fostering an environment of unity, understanding, and cooperation among all residents, regardless of their nationality, ethnicity, or race.

NOW THEREFORE, I, Richard E. Hines, Mayor of the Town of Winterville, do hereby proclaim December 2023 as **International Migrant Month**, and encourage its celebration to all Winterville, NC residents.

IN WITNESS WHEREOF, I do set my hand, and cause the seal of Winterville to be affixed this the 13th day of November 2023.

Richard E. Hines, Mayor

ATTEST:

Terri L. Parker, Town Manager



PROCLAMATION
Volunteer Recognition Month

WHEREAS, the Town of Winterville recognizes the invaluable contributions of volunteers who selflessly dedicate their time, energy, and expertise to make our community and the world a better place; and

WHEREAS, International Volunteer day, celebrated annually on December 5th, serves as a global observance to acknowledge the vital role by volunteers in addressing pressing social, economic, and environment challenges; and

WHEREAS, North Carolina has a strong history of improving lives, strengthening communities, and making our state a better place through volunteerism; and

WHEREAS, volunteers are the heart and soul of nonprofit organizations and work tirelessly towards enhancing the quality of life for our residents; and

WHEREAS, as we emerge from the challenges posed by the COVID-19 pandemic, the spirit of volunteerism has played a crucial role in aiding our recovery efforts, from supporting vaccination clinics to delivering essential supplies and exemplifying the resilience and compassion of our community; and

WHEREAS, the town of Winterville remains committed to fostering a culture of volunteerism, recognizing that together we can achieve remarkable feats and overcome the most pressing challenges facing our city and our world; and

NOW THEREFORE, I Richard E. Hines, Mayor of the Town of Winterville, North Carolina do hereby proclaim the month of December 2023 as

Volunteer Recognition Month

in Winterville, Pitt County, North Carolina and extend best wishes to our communities as we recognize and commend all volunteers in observance.

ATTEST:

Richard E. Hines, Mayor

Terri L. Parker, Town Manager



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 13, 2023

Presenter: Jessica Manning, Finance Director

Item to be Considered

Subject: Budget Amendment 2023-2024-3.

Action Requested: Approval of the Amendment.

Attachment: Draft Budget Amendment 2023-2024-3.

Prepared By: Jessica Manning, Finance Director

Date: 11/1/2023

ABSTRACT ROUTING:

TC: 11/8/2023

TM: 11/8/2023

Final: 11/8/2023

Supporting Documentation

This is the third budget amendment for the 2023-2024 Fiscal Year.

This amendment addresses the need to appropriate funds for various items needed by the Police Department in the amount of \$46,250. These funds will be allocated from the Asset Forfeiture account.

The second item addresses the need to repair a transmission on one of the Town's knuckle boom trucks. This cost is \$8,500.

The third item addresses the need to create a loop in the water system that will provide better water quality and better fire flow protection on the south end of town. This project is one that was adopted in the CIP that was approved by Town Council. This project is expected to cost about \$90,000.

The fourth item addresses the blown engine on the crane truck used for lifting pumps out of the sewer pump stations. The replacement for this engine is \$25,000.

Budgetary Impact: The total budget amendment will increase the budget in the amount of \$169,750.

Recommendation: Staff recommends Council approve the amendment.

BUDGET ORDINANCE AMENDMENT 23-24-3

BE IT ORDAINED by the Governing Board of the Town of Winterville, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024:

SECTION 1. Revenues are to be changed as follows:

LINE ITEM DESCRIPTION	Fund	Account	Increase	Decrease
Fund Balance Appropriation	General	10-0000-00 3831	\$ 54,750	
Fund Balance Appropriation	Water	61-0000-00 3831	\$ 90,000	
Fund Balance Appropriation	Sewer	62-0000-00 3831	\$ 25,000	
Total			\$ 169,750	\$ -

SECTION 2. Appropriations are to be changed as follows:

LINE ITEM DESCRIPTION	Department	Fund	Increase	Decrease
Authorized Forfeiture Allocation	Police	General	\$ 46,250	
Maintenance and Repair Vehicle	Public Works	General	\$ 8,500	
Capital Outlay		Water	\$ 90,000	
Capital Outlay		Sewer	\$ 25,000	
Total			\$ 169,750	\$ -

Adopted the 13th day of November 2023.

Mayor

Town Manager



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: Consent Agenda

Meeting Date: November 13, 2023

Presenter: Anthony Bowers, Assistant Town Manager

Item to be Considered

Subject: Authorization of the Mayor to Sign the Deed for Highway Right of Way and Land Sale.

Action Requested: Grant Authorization as Requested.

Attachments: N/A.

Prepared By: Anthony Bowers, Assistant Town Manager

Date: 11/8/2023

ABSTRACT ROUTING:

TC

FD

TM 11/8/2023

Final tlp - 11/8/2023

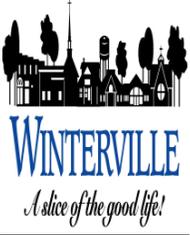
Supporting Documentation

At your October meeting the Council approved the sale of land and Right-of -Way to NCDOT. The purpose of the exchange was for the Old Tar Rd widening project. The area is located at the long branch crossing on the west side of Old Tar Rd.

Attorney Lassiter recommended that the Council approve the Mayor as the signer of the deed. This is due to the fact that the transaction includes the sale of land.

Budgetary Impact: The Town will receive \$2,600.

Recommendation: Authorize the Mayor to sign the Deed.



**Town of Winterville
Town Council
Agenda Abstract**

Item Section: New Business

Meeting Date: November 6, 2023

Presenter: Robert Sutton, Electric Director

Item to be Considered

Subject: Electric Engineering and Financial Analysis Contract.

Action Requested: Approval for Staff to Enter Contract Negotiations for Electric Engineering with RGrid Power, PLLC.

Attachments: The Town's Advertisement for and Request for Qualifications (RFQ).

Prepared By: Robert Sutton, Electric Director

Date: 11/6/2023

ABSTRACT ROUTING:

TC

FD

11/08/2023

Final tlp – 11/08/2023

Supporting Documentation

Town staff advertised a Request for Qualifications (RFQ) for Electric Engineering and Financial Analysis in the Daily Reflector on September 27, 2023 and October 4, 2023. Additionally, Staff notified two (2) firms, Utility Engineering and RGrid Power, of the RFQ and responded to a third firm's questions. In particular, the Town desired a knowledgeable firm complete a thorough valuation of its existing electric infrastructure system as well as a review of its existing rate tariffs. RGrid Power, PLLC was the sole respondent. RGrid Power's current staff includes personnel that were originally with Power Secure and are familiar with the Town's distribution system and rate tariffs. RGrid Power's RFQ response was evaluated by the Town's Review Team to determine their ability to fulfill the Town's needs. This review determined their firm is suitably qualified to complete the requested valuation and rate tariff review.

Budgetary Impact: The FYE 24 Budget obligated funding for the needed engineering.

Recommendation: Approval for Staff to enter contract negotiations with RGrid Power, PLLC for the referenced electric utility infrastructure valuation and rate tariff review.



Media of East Carolina

Key West Citizen - Florida Free Press - Paradise

The Daily Reflector - The Daily Advance - The Rocky Mount Telegram

Bertie Ledger - Chowan Herald - Duplin Times - Farmville Enterprise - Perquimans Weekly

Standard Laconic - Tarboro Weekly - Times Leader - Williamston Enterprise

PO Box 1967 Greenville NC 27835 - (252) 329-9500

**Solicitation of Request for Statements
of Qualifications
Town of Winterville
Electric Engineering and Financial
Analysis Services**

Sealed proposals will be received in the Office of the Purchasing Manager, Town of Winterville, 2571 Railroad Street, P.O. Box 1459, Winterville, North Carolina 28590 until 2:00PM on Tuesday, October 31, 2023 for the furnishing of Electric Engineering Services and associated Financial Analysis. Interested parties may contact the Town of Winterville via email at robert.sutton@wintervillenc.com or by mail at Town of Winterville, Attn: RFQ for Electric Engineering, 2571 Railroad Street, P.O. Box 1459, Winterville, N.C. 28590 for additional information.
453048 9/27, 10/4, 2023

Date: September 22, 2023

- LEGAL AD PROOF -

Thank you for advertising with us! This is the proof of your ad scheduled to run on the dates indicated below. If changes are needed, please contact Pat Wilkins by phone at (252) 329-9519 or email at pwilkins@reflector.com.

CUSTOMER INFORMATION

Account #: 104008
Company Name: TOWN OF WINTERVILLE
Address: P.O. BOX 1459
WINTERVILLE NC 28590
Telephone: (252) 215-2344
Email: don.harvey@wintervillenc.com

AD INFORMATION

Ad ID: 453048
Run Dates: 09/27/23 to 10/04/23
of Inserts: 4
of Lines: 22
Ad Class: 41
Account Rep: Pat Wilkins
Phone #: (252) 329-9505
Email: customercare@apgenc.com

Total Cost: \$123.37
Ordered By:
Description: request for statements

Publications	Start Date	End Date	# of Insertions
Daily Reflector	09/27/23	10/04/23	2
Reflector.com	09/27/23	10/04/23	2

RFQ for Electric Engineering and Financial Analysis Services

Town of Winterville

2571 Railroad Street
Winterville, NC 28590

NOTICE IS HEREBY GIVEN that the Town of Winterville (“Town”) is issuing this Request for Statements of Qualifications (RFQ). The Town seeks statements of qualifications from interested, independent, established and experienced electrical engineering consultant firms (“Firms”), to be received no later than Tuesday, October 31, 2023 at or before 2:00 p.m..

The Town intends to engage a qualified engineering firm to facilitate the development of rate reviews, system valuation and potentially other associated financial analyses of the Town’s facilities. Qualified firms shall be free from conflicts of interest arising from financial relationships with potential suppliers, constructors, financiers, or owners of related projects or products.

The Town shall be the sole judge of the qualifications and services to be offered and its decision shall be final.

1.1 Town Facilities and Energy Projects Background

The Town has a municipally owned electric distribution system serving approximately 7,000 citizens and is located in Pitt County, North Carolina. The Town’s existing facilities include two substations and one transfer station. The Town is a member of Electricities in a Non-Power Agency capacity. The Town’s peak consumption is approximately 16MW.

The Town of Winterville has been engaged in numerous projects, including new substation and switching station construction, as well as rehab of its distribution system and expansion of its distribution system.

1.2 Solicitation Background

The Town plans to complete various projects during the next five-year period. As such, the Town desires to complete various financial analysis of its assets and rates.

The Town seeks the support of a Firm in the development and implementation of these projects and projects. These projects and their development may include the following services and others consistent with municipal, state and federal regulations:

- Review of Rate Structures and their financial suitability
- Development of a System Asset Valuation

The Town intends to contract with a Firm that has the following minimum qualifications:

- A. Free from conflicts of interest arising from financial or other relationships with potential suppliers, constructors, financiers, or owners of related projects or products
- B. Extensive experience in the successful development of in-depth financial analysis of rate structures and system valuations
- C. Experience working with municipally owned electric systems
- D. Knowledge and understanding of applicable rules, regulations, codes and standards
- E. Ability to provide timely, effective communication and support to the Town

The Town intends to use the responses to this RFQ to assist in the possible selection of one or more Firms for the Town’s electric projects. The Town will evaluate each Firm based on the information set forth in the Response submitted, together with other information available to the Town from any other sources. The Firm’s ability to develop a rapport and working relationship with Town personnel will be considered. The Town will, at its own discretion, select one or more

Firms after receipt of Responses; the Town also reserves the right to not select any Firm. The Town may also request that one or more Firms participate in an interview process or the Town may implement a combination of these and/or other methods for selection.

This RFQ is solely a solicitation for Responses. Neither this RFQ, nor any Response to this RFQ shall be deemed or construed to: (i) create any contractual relationship between Town and any Firm; (ii) create any obligation for the Town to enter into a contract with any Firm or other party; or (iii) serve as the basis for a claim for reimbursement for costs associated with submittal of any Response.

If the Town selects a Firm for its potential electrical projects, the Town shall have the right to negotiate any and all of the final terms and conditions of any agreement with the Firm and nothing in this RFQ or any Response shall be deemed or construed as a limitation of such rights.

1.3 Town Goals

The Town's desire is to achieve the following projects/goals with the assistance of the Firm(s) selected:

- A. A comprehensive assessment of current Rate Structures and recommendations for improvements
- B. A thorough system valuation of the Town's existing transmission and distribution infrastructure

1.4 Response Content

Each Response must be in writing and should be concise, well organized, and tailored to this RFQ. Each response shall demonstrate the Firms understanding of the Town's goals and the objectives. Firms will be evaluated based on the information submitted in accordance with this Section, 1.4, together with other information as may be available to the Town. Responses must include all of the information specified in this Section, 1.4, and be set forth in the same order as outlined below.

Response Evaluation Points: 10 points

A. **Executive Summary:** Include an overview of the Response (maximum one page) describing the highlights of the Response, specifying the name, title, address, telephone number, and e-mail address of a single Firm representative to contact regarding the Response.

Response Evaluation Points: 10 points

B. **Firm Information:** Specify or provide all of the following information:

- Legal name and address of Firm

- Name and address of the Firm’s principal place of business
- Firm’s legal form of entity (sole proprietorship, partnership, corporation, joint venture, etc) and state of incorporation or other organization. If Firm is a joint venture or partnership, identify all members of the joint venture or partnership and provide all information required pursuant to this Paragraph C for each member
- Firm’s engagement model and fee structure (including process, scope, and commitment points)
- Evidence that Firm is authorized to conduct business in the State of North Carolina
- If company is a subsidiary or affiliate of another company or companies, identify such other company or companies

Response Evaluation Points: 15 points

C. Firm’s Relevant Qualifications and Experience: Provide all of the following information, as applicable.

Please mark “N/A” only if such information/experience is non-existent:

- Number of years Firm and/or staff have been engaged in electrical engineering
- Number of qualified electrical engineers and financial analysts on staff available to support Town projects

Response Evaluation Points: 15 points

D. Project References: Provide three (3) references related to similar engineering services provided in the last five years, including for each:

- Customer name and contact information
- Exact role Firm or Firm’s employee(s) performed for project
- Type of project
- Location of project
- Date performed

Response Evaluation Points: 15 points

E. Proposed Firm Team: Provide all of the following information:

- Name of Firm’s project managers and a description of such person’s experience as relevant to the Town’s proposed projects
- Names of team members who would be dedicated to the Town’s electrical projects
- Roles and responsibilities of team members, including an organizational chart
- Brief description of team’s ability to implement a successful project (history, performance of similar scope of services, etc.)
- Resumes for key members of the Firm’s proposed team, including key personnel of any subcontractors that Firm proposes to use (resume package may be submitted as an attachment to the Response)
- Describe each circumstance in which the Firm ever had a contract terminated for cause or convenience and include the reasons for termination

Response Evaluation Points: 10 points

F. **Firm's History:** Indicate whether there has been, within the preceding five years, any occurrence of the situations described below and, if yes, then describe in detail the circumstances surrounding each such situation and the outcome. Failure by a Firm to disclose any such situations may result in a determination that the Firm is ineligible to bid on, contract for, or perform any work in connection with any future Town projects.

Each Firm must disclose each of the following:

- Debarment (of either the Firm or any of its principal officers or owners) by any Federal, State, County, Municipal or other local agency
- Involvement as a party in any litigation, arbitration or mediation associated with an energy project (not including any action filed to validate a transaction)
- Any convictions of the Firm or any of its principal officers or owners for violation of any Federal or State antitrust law (e.g., bid rigging, collusion, or otherwise restricting competition between bidders) or other law relating to bidding or performance of public works
- Determination by a governmental or public authority, which became final or unappealable, that the Firm or any of its principal officers or owners: (i) knowingly concealed any deficiency in the performance of any contract or project; (ii) falsified any information or made deceptive or fraudulent statements in connection with any contract or project; or (iii) willfully disregarded applicable laws, regulations, rules or contractual requirements in connection with any contract or project
- The Firm has filed any claims and/or lawsuits against any public agencies in connection with any contracts or projects of such public agencies and, if yes, identify the public agency and describe the nature and the outcome of such claim and lawsuit.

Failure by a Firm to disclose any such claims and/or litigation may result in a determination that the Firm is ineligible to bid on, contract for, or perform any work in connection with Town projects.

Response Evaluation Points: 10 points

G. **Work Samples:** Provide two (2) sample work products relevant to System Valuation projects and two (2) sample work products relevant to Rate Reviews and Recommendations in a PDF format as attachments to the Response.

Response Evaluation Points: 15 points

H. **Fee Schedule and Reimbursable Expenses:** Respondents shall state their proposed hourly rates offered on a time-and-materials basis.

1.5 Additional RFQ Information

A. **Schedule of Events:** The Town anticipates the schedule of events in connection with this RFQ will be as set forth below. However, the Town reserves the right, in its sole discretion and at any time prior to entering into an agreement, to alter its anticipated schedule as related to this RFQ or any project.

Event Anticipated Dates:

- RFQ Available: Wednesday, September 27, 2023
- Deadline for Request for Information (RFI): Wednesday, October 18, 2023 at or before 12:00 PM
- Response for RFI: Friday, October 20, 2023
- Responses Due: Tuesday, October 31, 2023 at or before 2:00 PM
- Interviews: Through Wednesday, November 8, 2023
- Recommendations to Council: November 13, 2023

B. **Addenda to RFQ:** The Town in its discretion may, at any time, issue one or more addenda to this RFQ and the Town will provide such addenda to each Firm that is known by the Town to have received a copy of this RFQ. Each Firm is solely responsible for and must, in its Response, acknowledge each addendum that it has received. The Town will send each addendum to the last known addresses of the Firms, but in no event shall the Town be responsible or liable for any failure of a Firm to receive any such addendum.

C. **No Guarantee of Award of Contract:** This RFQ does not create any obligation whatsoever, either expressed or implied, for the Town to award any contract to any Firm or other party. The Town at all times retains the sole and absolute right to select the Firm that best meets the Town's needs, or to not select any Firm based on Responses to this RFQ. *The award of any contract to a Firm is subject to approval by the Governing Board of the Town ("Board").*

D. **Privacy:** The Town will open and review Responses privately to assure confidentiality and to avoid disclosure of the contents to competing Firms prior to and during the review, evaluation and negotiation process. However, the Town may, upon applicable request, disclose any Response to the extent it is a public record in accordance with North Carolina law.

E. **Confidential Information:** It is understood that information submitted in response to this RFQ and subsequent presentations may contain technical, financial, or other data that would constitute trade secrets, the public disclosure of which possibly could injure the Firm's competitive position. To the extent the Firm reasonably determines that information in its Response constitutes trade secrets in accordance with applicable law, the Firm may seek to protect such trade secrets from disclosure by specifically identifying the pages of its Response that contain such information by properly marking such pages and inserting the following notice in its Response:

SAMPLE NOTICE: *[Insert Firm name]* believes that information on page(s) ___ of this Response identified by an asterisk (*) or marked along the margin with a vertical line constitute trade secrets, disclosure of which possibly could injure the competitive position of *[insert Firm's name]*. *[Insert Firm's name]* requests that such information be used only in connection with evaluation of the Response or otherwise in connection with any

agreement entered into by [insert Firm's name] and the Town, but [insert Firm's name] understands that disclosure may nonetheless occur to the extent the Town determines disclosure is proper in accordance with federal, state and/or local law. The Town may disclose or use any information included in a Response that is not so marked and made subject to such notice. In the event the Town receives a request for information that is properly identified and for which notice is given in accordance with the foregoing, the Town will advise the Firm of the request. If the Firm objects to disclosure of such information, the Firm, within a reasonable time, but in no event in excess of five (5) business days, shall submit to the Town a detailed statement indicating the reasons the Firm believes disclosure is not proper in accordance with Federal, State and/or local law. The Town will review such statement in determining whether disclosure is proper in accordance with applicable law. If the Firm requests that the Town resist disclosure of such information, the Town may agree to such request if the Town determines that requested information likely is exempt from disclosure pursuant to Federal, State or local law, but subject to the Firm in each such event agreeing to assume responsibility for and to pay any and all costs incurred by the Town, including, without limitation, attorney fees and expenses. The Town will exercise reasonable care in applying the requirements of this Paragraph E, but in no event shall the Town be responsible or liable for any damage or injury that may result from any disclosure that may occur of information the Firm believes constitutes a trade secret.

F. Ownership of Documents: All Responses and other materials submitted in response to this RFQ shall become the property of the Town of Winterville.

G. Responsibility for Costs: Each Firm (and not the Town) shall be responsible for any and all costs that it incurs in connection with this RFQ, including, without limitation, costs associated with preparation and submission of a Response, and expenses associated with travel to any presentation, interview or other meeting. In no event will the Town reimburse any Firm for any such costs or expenses.

H. Modification or Withdrawal of Response: A Firm may at any time withdraw its Response by providing written request for withdrawal to the Town. At any time prior to the deadline for submittal of Responses specified in this RFQ, a Firm may modify its Response by submitting the modified Response together with a written request to withdraw the original Response and replace it with the modified Response.

I. Insurance Requirements: The Town will require the selected Firm have insurance in effect at all times during the term of the resulting agreement and the Firm provide certificates of insurance indicating the Town, its employees, agents, and consultants as additional insured, and copies of policies as evidence that the insurance is in effect. The applicable insurance requirements and limits will be established by the Town during negotiations with the Firm.

J. Unethical Behavior: By submitting a Response, a Firm shall be deemed to represent and warrant that neither it nor any of its agents or other representatives gave or offered to give any gratuity (in the form of entertainment, gifts, or otherwise) to any Town officer or employee with the intent or goal of obtaining favorable treatment with respect to the selection of a Firm for the Town's electrical projects. If the Town determines that a Firm has breached or violated such warranty, the Town may terminate any agreement with such Firm, in whole or in part, and the Firm shall be responsible and liable for any associated

losses and/or damages incurred by the Town. The rights and remedies of the Town pursuant to this paragraph are not exclusive and are in addition to any other rights and remedies the Town may have pursuant to law or contract.

1.6 Submittal Requirements

A. **Response Length:** A Response must be no more than 10 double-sided pages including resume materials. The 10 double-sided page submittal total does not include sample reports. The font size of the text included in a Response must not be less than 11 points.

B. **Number of Copies:** Each Firm must submit one (1) digital copy and four (4) hard copies of its Response.

C. **Method of Delivery:** Provide digital copy by email to robert.sutton@wintervillenc.com and anthony.bowers@wintervillenc.com as described in 1.6.A above to the Town prior to the due date and time. The e-mail subject line of the Response should be specified as “Response Regarding RFQ for Electrical Engineering and Financial Analysis Services.” Hard copies shall be submitted to:

Town of Winterville
Attn: RFQ Response for Electric Engineering and Financial Analysis Services
2571 Railroad Street
P.O. Box 1459
Winterville, NC 28590

D. **Responsibility for Delivery of Responses:** Each Firm shall be solely responsible for ensuring that its Response is received by the Town prior to the deadline specified in this RFQ. The Town will not be required to consider any Response received by the Town after the submittal deadline specified in this RFQ.

E. **Deadline for Submitting Responses:** The deadline for submitting Responses to this RFQ is the date and time set forth In Section 1.5, Part A of this RFQ.

1.7 Requests for Information (“RFI”) Regarding This RFQ

A. **RFIs:** Questions regarding this RFQ should be set forth in writing and sent via e-mail to Robert Sutton, Electric Utility Director, at robert.sutton@wintervillenc.com and Anthony Bowers, Assistant Town Manager, at anthony.bowers@wintervillenc.com. The e-mail subject line of each such question should be specified as “Question Regarding RFQ for Electrical Engineering Services.”

B. **Authorized person to receive RFIs:** No other persons are authorized to receive questions relating to this RFQ, and the Town shall have no obligation to respond to questions sent to any other person or entity. In its discretion, the Town may disregard the Response of any Firm that, in connection with this RFQ, contacts any other Town representative including, without limitation, any member of the Town’s Governing Board, Town staff member, Consultants, Managers, etc.

C. Responses to RFIs: The Town will, to the best of its ability, respond to RFIs regarding this RFQ. The Town will send each question and response to the last known e-mail addresses of the Firms known by the Town to have received this RFQ, but in no event shall the Town be responsible or liable for any failure of a Firm to receive any such question and response.

D. Deadline for RFIs: The deadline for submitting questions regarding this RFQ is as listed in Section 1.5.A above. The Town, in its discretion, may determine not to respond to questions submitted after the deadline or may extend the deadline for submittal of Responses so that all Firms will have the benefit of responses to questions submitted after the deadline.

1.8 Evaluation, Award and Agreement

Statements of Qualifications Evaluation:

The evaluation of statements of qualifications will include but may not be solely limited to the preceding criteria. The Town's Evaluation Committee will determine which, if any, statements of qualifications are in the Town's overall best interest to accept. During the evaluation process, the Town may request additional information, clarifications, explanations and answers from any respondent. The Town may request any or all respondents to participate in a presentation and/or interviews in regard to their qualifications. The invited respondents must be available for the presentation and/or interviews within seven (7) days of the request, unless another date has been agreed upon.

The Town reserves the right to conduct negotiations with any number of respondents, as determined by the Town, for entering into contract agreements.