

01 NCAC 06B .0212 ANNUAL LEASE MORE THAN \$150,000

For space needs where the annual rental exceeds one hundred fifty thousand dollars (\$150,000), Form PO-26 provides the basic steps to follow in the leasing procedures required by G.S. 146-25.1. Additional guidance is provided in this Rule:

- (1) Specifications. The requesting agency prepares a Form PO-27. This serves as a guideline for supplying the information which a prospective lessor needs to complete a lease proposal.
- (2) Advertising. Newspaper ads will be prepared by the Division of State Property and will be forwarded to the agency for submission to a newspaper of general circulation in the "Legal Notices" or other appropriate section of the newspaper. The ad must run for at least five consecutive days and give a specific cut off date for receiving proposals. The published cut off date must be at least seven days after the last day the ad is run.
- (3) Proposals. All proposals must be submitted on Form PO-28 which includes the basic information that is necessary to evaluate and compare each proposal received. All proposals must be submitted directly to the Division of State Property prior to the published cut off period.
- (4) Space Selection. All proposals will be reviewed by the Division of State Property and the requesting agency. A set of proposals will be selected, based on the General Statutes and the rules contained in this Chapter, for further review and consideration.
 - (a) The submitters of proposals selected for further review shall be notified in writing by the Division of State Property. The notice of selection for further review will include the date, time, and location at which a Proposers' Meeting will be conducted.
 - (b) At this meeting, the selected proposers will be given the opportunity to submit a final low price proposal. Price proposals may be submitted via the U.S. Mail, telegraph, telefax or other commonly acceptable medium of communication in lieu of the proposer or his agent being physically present at the meeting. In the event that identical price proposals are submitted by two or more proposers, the proposers or their agents present at the meeting will be granted another opportunity to submit a lower price proposal. This process will continue until a lowest price proposal is received by the Division of State Property. When the lowest price proposal is received no further price negotiations will be conducted by the Division of State Property.
 - (c) After reviewing all the relevant data, a determination for desired space will be made by the Division of State Property; this decision will be reviewed by the requesting agency. A Form PO-1 must be submitted by the agency to the Division of State Property requesting acquisition of the space.
 - (d) The Division of State Property will present its recommended proposal to the Council of State for its review and consideration. If the low price proposal is not selected, a statement of justification will be submitted to the Council of State.
 - (e) Should the selected proposal be withdrawn or for any other reason not be available, all submitted proposals will be reconsidered and if none are acceptable, the Division of State Property will proceed to obtain suitable space in the manner provided by the General Statutes and the rules contained in this Chapter.
 - (f) Space selections will be made in keeping with G.S. 146-23.1 regarding the acquisition of buildings and space in buildings having historic, architectural or cultural significance.
- (5) Exception. If adherence to the procedure in this Rule was not feasible in a particular situation, the Division of State Property will notify the Council of State of the deviation at the time the lease is presented for Council of State consideration.

History Note: Authority G.S. 143-341(4)(d); 146-25; Eff. March 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.