



SPECIAL DELEGATION AGREEMENT

This **SPECIAL DELEGATION AGREEMENT** is entered into by and between the North Carolina Community Colleges Systems Office and by extension all 58 NC Community Colleges and the Department of Administration, Division of Purchase and Contract for projects relating to Specialized Personal Service Instruction Contracts with the following commodity codes: Vocational Training (UNSPSC Code 8610), Alternative Educational Systems (UNSPSC Code 8611), Educational Institutions (UNSPSC Code 8612), Specialized Educational Services (UNSPSC Code 8613), Professional Artists and Performers (UNSPSC 8215), and Educational Facilities (UNSPSC Code 8614).

RECITALS

- A. The Department of Administration is responsible for administering the State's program for the acquisition, management, and disposal of personal property, as well as the acquisition of services for its agencies. Acquisition of goods and services is entrusted to the Division of Purchase and Contract (P&C) through the State Purchasing Officer (SPO).
- B. The Administrative Code, 01 NCAC 05B .1603 (SPECIAL DELEGATIONS) authorizes the State Purchasing Officer (SPO) to approve, with conditions, an Agency to procure specific commodities and/or services when circumstances demonstrate that involvement by the Division of Purchase and Contract serves no practical purpose.
- C. By special delegation, the SPO authorizes an Agency's Executive Officer (Agency head or person with delegated signature authority) to authorize the advertisement of solicitations, approve the evaluation committee's recommendation, certify the award, and execute contracts or other agreements on behalf of the Agency, including renewals, extensions, amendments, and modifications to previously approved contracts for the specific commodity codes listed herein. Any delegated signature authority must be in writing.
- D. The North Carolina Community Colleges Systems Office and by extension all 58 NC Community Colleges have requested an unlimited Special Delegation to manage non-recurring procurements relating to Specialized Personal Service Instruction Contracts with the following commodity codes: Vocational Training (UNSPSC Code 8610), Alternative Educational Systems (UNSPSC Code 8611), Educational Institutions (UNSPSC Code 8612), Specialized Educational Services (UNSPSC Code 8613), Professional Artists and Performers (UNSPSC 8215), and Educational Facilities (UNSPSC Code 8614).
- E. **NOW THEREFORE**, in consideration of the mutual obligations set forth in this Agreement, and for other good and valuable consideration, the Agency shall accept the conditions of this Agreement as follows:
 - A. The Agency may solicit, award, and execute contracts, related to Specialized Personal Service Instruction Contracts with the following commodity codes: Vocational Training (UNSPSC Code 8610), Alternative Educational Systems (UNSPSC Code 8611), Educational Institutions (UNSPSC Code 8612), Specialized Educational Services (UNSPSC Code 8613), Professional Artists and Performers (UNSPSC 8215), and Educational Facilities (UNSPSC Code 8614) only, without limitation on contract value or source of funds.
 - B. Unless otherwise exempted, when the cumulative contract value exceeds one million dollars (\$1,000,000.00), the agency must comply with NCGS 143-50.1. All other procurement actions are governed by the Agency's General Delegation.
 - C. The Agency shall use the most recent P&C template versions as its official templates to ensure that all solicitation documents, contracts, and subcontracts include the required provisions. Construction special provisions must conform to the State Construction Office. Any changes to the official templates must be approved by P&C and the State Construction Office.
 - D. Solicitations must comply with State procurement rules and applicable federal regulations. Conflicts between State procurement rules and federal grant requirements shall be resolved in favor of federal regulations.

- E. The Agency shall support State goals regarding purchases from local businesses; businesses owned by minorities, women, and other disadvantaged groups; and businesses that further sound environmental policies, as such goals are stated in State law, policies, and orders. State agencies are encouraged, to the greatest extent possible without sacrificing competition, to ensure active participation by such businesses, and to seek new sources of goods and supplies from them.
- F. All procurements must be competitively bid, unless competition has been waived pursuant to the specific conditions listed in 01 NCAC 05B .1401.
 - 1) Solicitations must be publicly advertised on the State's Electronic Bid System.
 - 2) If competitive bidding fails to produce a qualified vendor pool, the Agency shall document the Executive's approval to waive competition in accordance with P&C's established process.
 - 3) To obtain the best price, negotiations are strongly encouraged. Agencies must adhere to Negotiation rule 01 NCAC 05B .0503 and maintain documentation in the Agency's official procurement file. P&C will assist the Agency with negotiations as requested.
- G. Agencies are expected to use eProcurement to the maximum extent practicable for sourcing, contract development and management, and ordering. Deviations from eProcurement use must be approved by the SPO prior to solicitation.
- H. Suppliers who do business with the State are expected to accept the State's General Terms & Conditions. Any deviation from the General Terms & Conditions must be documented and approved by the Contract Management Section of the Division of Purchase and Contract.
- I. Contracts subject to this Special Delegation must be reviewed by the Agency's General Counsel, other Counsel, or according to the agencies documented policies or procedures for internal contract review to ensure legal sufficiency prior to final signatures.
- J. Any controversial matter arising from this Special Delegation must be brought to the attention of the SPO.
- K. Protests are the responsibility of the Agency and shall be managed according to the Statute and Administrative Code.

AGREEMENT

This Special Delegation is made pursuant to G.S. 143-53 and 01 NCAC 05B .1603.

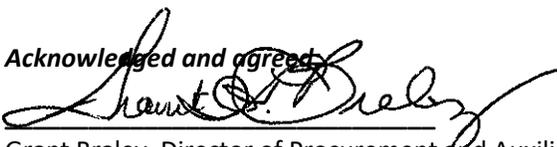
The effective period of this Special Delegation is July 1, 2025, through December 31, 2028, or until such time as it is revoked by the undersigned SPO. If my service as SPO terminates, this Agreement is no longer effective. A new Agreement must be executed immediately unless the newly appointed SPO opts to continue/extend the SDA by providing written notification of the same.

Special Delegations are not automatically renewed. Circumstances that previously justified approval of a Special Delegation are subject to change; therefore, prior approval does not guarantee future approval. A new request must be submitted annually or as specified in the Special Delegation Agreement.

By executing this Agreement, both parties understand and agree to be bound by the Agreement regarding contract authority and procurement practices, as well as Division of Purchase and Contract and Agency policies, State and Federal laws.



David O'Neal, State Procurement Officer, Division of Purchase & Contract

~~Acknowledged and agreed~~


Grant Braley, Director of Procurement and Auxiliary Services, NCCSO