



DATE: December 7, 2020

TO: Chuck Watts, City Attorney

FROM: James A. Dickens, Deputy City Attorney

DEPARTMENT: Office of the City Attorney

SUBJECT: Can the City Execute Another Contract with its Current Solid Waste Disposal Contractor Without Conducting a Solicitation?

The Field Operations Department has asked whether it could execute a five year contract with its current Solid Waste Disposal Contractor, Waste Management Services, Inc. (Waste Management), without conducting another solicitation. After reviewing the appropriate state statutes and the relevant facts, the City can execute another contract with Waste Management without conducting another solicitation. A solid waste disposal contract is not a construction contract or a contract for the purchase of goods, apparatus, equipment or supplies. *See*, N.C.G.S. 143-128. It is a service contract, and there is no state statute requiring municipalities to conduct solicitations for service contracts. Field Operations states that no federal funds will be used in paying for this contract, so federal law will not be applicable. Thus, the City may execute another contract with Waste Management without conducting a solicitation.

JAD/