



**NEW HANOVER COUNTY**  
**FINANCE DEPARTMENT, PURCHASING DIVISION**  
**ADDENDUM 1**

From: Lena Butler, Purchasing Supervisor  
To: All Bidders  
Project: **"RFB\_LOW GROUND PRESSUE UTILITY VEHICLE"**  
Date: May 19, 2021

This Addendum is related to the County's Request for Bids "RFB-Low Ground Pressure Utility Vehicle" and is hereby made a part of said Request for Bids to the same extent as though it were originally therein.

- 1) Can you provide a delivery address so that the proper sales tax can be calculated? **The delivery address will be 94 Division Drive, Wilmington, NC 28401. Our sales tax rate is 4.25% State and 2.25% County. Total state and county rate is 7%.**
- 2) No trailer is included in the bid, I just wanted to confirm that a trailer is not needed. **That is correct. A trailer is not needed.**
- 3) I see that Roll Over Protection is required over the passenger seating. Do you have minimum requirements/certification for this protection? We do not include roll over protection on our machine, mainly due to seat belt requirements in the certifications. Since this is an amphibious vehicle, we feel as though seat belts are the greater danger. **We will need to follow OSHA guidance on the ROPS. The seatbelt requirements associated with the OSHA guidance will be mitigated in the amphibious environment through the provision of a seatbelt cutting tool in all vehicles and equipment along with procedural policies that operators unbuckle seatbelts while operating in the water. Additionally, in discussion with the County's Risk Management Safety Officer, the primary scenarios that this machine will operate will have a higher probability of rollover than sinking due to shallow water depths. As a result, we want to make sure that the ROPS is in place and address the seatbelt issue with procedural methods.**
- 4) Must I complete the EVerify form? **Yes, the form is required and must be returned with your bid.**
- 5.) My company is not a North Carolina company. Do I need to register with NC to do business in NC? **Subject to several statutory exceptions, a business entity incorporated or organized in a state other than North Carolina must obtain a certificate of authority from the North Carolina Secretary of State prior to transacting business in the State of North Carolina. See G.S. 55-15-01(a) (business corporations); G.S. 55A-15-01(a) (nonprofit corporations); G.S. 57D-7-01(a) (limited liability companies); G.S. 59-902(a) (limited partnerships); G.S. 59-91(a) (registered limited liability partnerships); G.S. 55B-**

16(a) (professional corporations). When the requirement applies, the foreign entity transacting business in the State is responsible for obtaining a certificate of authority—not the domestic (i.e., North Carolina) corporations, public entities, or individuals with whom the foreign entity might contract.

The statutes do not contain a general exception to this requirement for foreign entities doing business with a unit of local government in North Carolina but do contain other potentially applicable exceptions for a foreign entity with limited business contacts in the State. See, e.g., G.S. 55-15-01(b) (deeming certain activities conducted by a foreign corporation as not transacting business in the State). For example, a foreign corporation need not obtain a certificate of authority when “[t]ransacting business in interstate commerce” (G.S. 55-15-01(b)(8)), when “conducting an isolated transaction completed within a period of six months and not in the course of a number of repeated transactions of like nature” (G.S. 55-15-01(b)(9)) or when “selling through independent contractors” (G.S. 55-15-01(b)(10)).