

**RESOLUTION AWARDING A CONTRACT FOR PURCHASE AND INSTALLATION
OF GUARDRAIL UNDER THE BID PROCEDURE WAIVER**

WHEREAS, Traffic Field Division has an immediate need for a contractor to provide and install guardrail in various locations throughout the city; and

WHEREAS, after due advertisement, bids were received and publicly opened by the North Carolina Department of Transportation (NCDOT) for installation of guardrail in Forsyth and Stokes Counties and on May 29, 2025, the NCDOT awarded a three-year term contract to Nickelston Industries, Inc., for said materials and services; and

WHEREAS, Nickelston Industries, Inc., has offered to provide guardrails and installation to the City of Winston-Salem at the same bid prices as the NCDOT contract; and

WHEREAS, N.C.G.S.143-129(g) provides that formal bid procedures may be waived “for the purchases of apparatus, supplies, materials, or equipment when it is in the best interest of the unit, from any person or entity that has, within the previous 12 months, after having completed a public, formal bid process substantially similar to that required by this Article, contracted to furnish the apparatus, supplies, materials, or equipment, if the person or entity is willing to furnish the items at the same or more favorable prices, terms, and conditions as those provided under the contract with the other unit or agency”; and

WHEREAS, staff recommends award of a contract to Nickelston Industries, Inc. under the pricing, terms and conditions of the NCDOT contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Winston-Salem, upon approval by the Finance Committee, that a contract is hereby awarded to Nickelston Industries, Inc., in the amount of \$80,000, and that the state’s specifications, the company’s proposal, and the City's purchase order will constitute the contract.

BE IT FURTHER RESOLVED that initial term of the contract shall be for one year ending June 30, 2026, and may be renewed for two additional 12-month terms thereafter, through June 30, 2028.

BE IT FURTHER RESOLVED that award of this contract constitutes a preliminary determination as to the qualifications of the bidder. The City is not legally bound until the contract is duly executed by the City.

BE IT FURTHER RESOLVED that this contract will be funded from the FY 2025-26 streets and sidewalk maintenance budget.