REQUEST FOR BOARD ACTION

ITEM NO. _17_

DATE OF MEETING: June 20, 2016

REQUESTED BY: Katherine C. Brafford, Finance Director

SHORT TITLE: Approval of a One Year Extension of Government Bank Services with Bank of America, N.A.

BACKGROUND: Bank of America has been the official depository for the County since the 1990's. During budget work sessions for the FY 2016-2017 budget, the Board of Commissioners expressed a desire for the County to bid out its banking services. Due to the fact that our current banking contract expires at June 30, 2016 and we don't have time to prepare, solicit, and evaluate bids from other financial institutions prior to the expiration of the current banking contract, staff respectfully asks that the Board approve a one year extension of the current contract with Bank of America.

SPECIFIC ACTION REQUESTED: To approve the contract extension for a period of one year.

The foregoing Ordinance, upon motion of Commissioner _____ and second by

Commissioner _____, and having been submitted to a roll call vote and received the

following votes: YES Votes: _____ NO Votes: _____ ABSTAIN: _____

was approved _____denied _____ on this the 20th day of June, 2016:

_____
George R. Brown, Jr., Chairman

ATTEST:

_____
Melissa Long, Clerk to the Board

Agreement for Extension of Government Banking Services

This Agreement for Extension of Government Banking Services (the "Agreement") is made as of this _____ day of _____, 2016, between Pender County (the "Client") and Bank of America, N.A., a national banking association (the "Bank").

WHEREAS, Client issued a Request for Proposal ("RFP") more fully identified below, for providing banking services identified in the RFP (the "Services"):
Primary Banking Services; and

WHEREAS, the Bank was the successful bidder under the RFP, having submitted its bid response dated December 15, 2005 (the "Bid Response"); and

WHEREAS, the parties wish to enter into this Agreement for the purpose of extending the term of the agreement between Client and Bank regarding the Services;

NOW, THEREFORE, in consideration of the foregoing, and other good and valuable consideration, the parties hereby agree as follows:

1. Integrated Agreement. The entire and integrated agreement between Client and Bank related to the Services shall consist of this Agreement, Bank's Treasury Terms and Conditions booklet (including user documentation and set-up forms), Bank's Bid Response and Client's RFP as modified by the Bid Response. In the event of conflict among any of the preceding documents, such documents shall govern in the following order of precedence: (1) this Agreement, (2) Bank's Treasury Terms & Conditions booklet (including user documentation and set-up forms), (3) the Bid Response and (4) the RFP. The integrated agreement supersedes all prior negotiations, representations, statements and agreements, whether written or oral, regarding the Services.

2. Commencement of Performance. Except as otherwise agreed by the parties, Bank shall continue performing each Service upon execution and delivery of this Agreement and the related set-up forms. Bank shall continue to perform such Services during the term of this Agreement.

3. Term. This Agreement was for an initial term of three (3) years, beginning February 1, 2006 and ending January 31, 2009. The Agreement may be extended by mutual consent of the parties as set forth in the RFP. The Agreement was extended on February 26, 2009, June 13, 2011, June 12, 2014 and June 2, 2015. The current Agreement is for the fifth extension, which will be for a term from July 1, 2016 to June 30, 2017.

4. Pricing. Per item pricing for services provided under this Agreement are included in the "Proposed Price" column of the Pro-Forma of Pricing attached hereto as Exhibit I. Prices are subject to change upon thirty (30) days prior written notice to the Client.

5. Notices. Except as may otherwise be specified in the set-up forms, notices to Client and Bank shall be sent to the addresses set forth below:

   Client: Pender County
   805 S. Walker Street
   Burgaw, NC 28425

Bank: Richard (Rick) T. Brown
Senior Vice President
Public Sector Banking
Bank of America, N.A.
3100 Tower Blvd., Suite 910
Durham, NC 27707

Changes in the respective address set forth above may be made from time to time by any party upon written notice to the other party.

In witness whereof, the parties have executed this Agreement as of the date first written above.

Pender County

By: _____
[Signature]

Name: _____
[Type or Print]

Title:
[Type or Print]

By: _____
[Signature]

Name: _____
[Type or Print]

Title: _____
[Type or Print]

Approved as to form and legality:

_____

BANK OF AMERICA, N.A.

By: _____
[Signature]

Name: Richard (Rick) T. Brown
[Type or Print]

Title: SVP
[Type or Print]

By: _____
[Signature]

Name: _____
[Type or Print]

Title: _____
[Type or Print]