



PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | June St. Clair Atkinson, Ed.D., *State Superintendent*

WWW.NCPUBLICSCHOOLS.ORG

November 12, 2009

MEMORANDUM

TO: Superintendents, Finance Officers, and Transportation Directors
Counties Receiving Two or More Replacement School Buses

FROM: Ben Matthews, Director
School Support Services

Handwritten signature of Ben Matthews in blue ink.

Derek Graham, Section Chief
Transportation Services

Handwritten signature of Derek Graham in blue ink.

SUBJECT: 2009-2010 Replacement School Buses – Financing Arrangements

Session law 2009-451 authorized the State Board of Education to arrange for the purchase of replacement school buses through financing. Bids were received for school buses on a cash basis and for financing through third party financing. The best price to the state resulted in a third party financing arrangement offered by Banc of America Public Capital Corp, (a third-party finance company) based on the state contract for school buses awarded to White's International Trucks.

DPI Transportation Services contacted transportation directors, notifying them of the particular school buses eligible to be replaced this year. DPI, in turn, received requests from the transportation director regarding the specific configuration (capacity, lift-equipped, etc.) to be ordered.

On the internet at www.ncbussafety.org/finance you will find a copy of the Master Facilitator Agreement between the State Board of Education and Banc of America Public Capital Corp. This agreement includes the following stipulations:

- The state is responsible for the maintenance and self-insurance of replacement buses acquired under this program.
- The finance agreement to be established between Banc of America Public Capital Corp and your LEA is contingent on appropriation of funds to make payments during year two, year three and year four of the financing agreement. These funds are approved for years one and two and will be requested in the state's continuation budget for 2011-2013.
- DPI will make the annual payments directly to Banc of America Public capital Corp, on behalf of your LEA and will notify the LEA when payment is made.

SCHOOL SUPPORT DIVISION

Benjamin J. Matthews, Ph.D., Director | bmatthew@dpi.state.nc.us

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Also on that web site you will find a copy of the Master Bus Replacement Finance Agreement to be established between your LEA and Banc of America Public capital Corp, (BAPCC). This agreement, we believe, minimizes the risk to the LEA associated with this financing. It is consistent with bus financing agreements reviewed by attorneys at the Attorney General's office, the NC School Boards Association and LEA counsel.

In the event of non-appropriation of funds for this purpose by the North Carolina General Assembly, the LEA is relieved of the obligation for additional payments. Banc of America Public capital Corp, as the lienholder, would then take possession of the school buses. We have every confidence that the General Assembly will not let this happen.

School buses will be built and delivered, to the extent practical ,in the order in which purchase orders are received.

LEA Instructions for Financed Purchase of Replacement School Buses

Since only an LEA can enter into a financed purchase agreement and is the responsible party for payment, the LEA must make the installment payments or request that DPI make payment on its behalf. DPI Transportation Services will coordinate the issuing of installment payments directly from DPI using funds allocated to your LEA.

Following are the steps necessary to issue the purchase order for the replacement school buses and to account for the receipt and payment of the buses in subsequent years.

DPI Transportation Services section has sent each LEA a report of buses they are authorized to purchase (Exhibit B). This report includes type of bus, unit cost, payment 1, 2, 3 & 4 amounts, total per bus, and aggregate total.

1. Based on the above report, the LEA will submit a request for DPI to make payment on their behalf at the time that each installment payment is due. DPI will notify the LEA of approval of their request. A sample request is attached to this memo.
2. This approval notice (guarantee of payment) from DPI will be the LEA's authorization to issue a Capital Outlay purchase order (PO) for the buses: coded to 4-6550-120-551.
3. The LEA will sign a Master Replacement Bus Financing Agreement with the finance company, Banc of America Public capital Corp. This Agreement states that the LEA will submit its installment payments through DPI.

Buses ordered through this process should be delivered during the 2009-2010 fiscal year; However, if buses are delivered after July 1, 2010, funds for this purpose will carry over and will be available in the next fiscal year.

Fiscal Year 2009-2010

1. Prior to the delivery of any bus with optional equipment (locally paid wheelchair lift or flat floor configuration) DPI will request payment from the LEA for the equipment.
2. Upon delivery of any replacement buses to the LEA, DPI will pay Installment # 1 on its behalf, as stated above.
3. DPI will notify the LEA when payment on its behalf has been made. This notice will include the total amount of the bus purchase, including interest expense and the cost of optional equipment paid by the LEA (wheelchair lift of flat floor configuration).

Each year, beginning 2009-2010:

1. The LEA gets an allotment of ¼ of the DPI approved financed purchase price. This will show in PRC 120 on the Allotment Revision report (like textbooks) – no allotment amount is posted in MSA. This entry will appear on the Allotment Revision Report after DPI has made each payment for school bus financing.
2. The LEA records a budget in the Capital Outlay Fund for the amount of the Allotment, revenue & expenditure: 4-3400-120-000 and 4-6550-120-551.
3. Each year, DPI will notify the LEA when that year’s installment payment has been made via Allotment Revisions.
4. When the notice of payment is received, the LEA will record a revenue and expenditure transaction via journal entry:
Credit 4-3400-120-000 and Debit 4-6550-120-551.
5. **The LEA also records a manual entry to disencumber 1/4 of the PO after each payment is made.**
6. When the notice of the fourth and final payment is received, mark the purchase order “CLOSED.” This will clear out any remaining encumbered balance.
7. Note: For buses delivered after July 1, 2010, there will be two payments made during FY 2010-2011 - Payment #1 upon acceptance and payment #2 in November, 2010.

ACTION ITEMS

- A. FAX TO DPI TRANSPORTATION SERVICES: Complete the Request for Payment form and fax to Steve Beachum at DPI (919/807-3578). He will “OK” the form and return via fax within 24 hours.
- B. MAIL TO DPI TRANSPORTATION SERVICES: Issue Purchase Orders to White’s International Trucks for your replacement buses as indicated on Exhibit B. The Purchase Order should reflect the total **PURCHASE PRICE** of the buses (not the financed price) shown on Exhibit B. Please NOTE the type of engine and optional storage boxes, if applicable, on the purchase order.
- C. MAIL TO BANC OF AMERICA PUBLIC CAPITAL CORP: Download the Master Replacement Bus Financing Agreement. Sign two copies where indicated and attach the Exhibit B for your LEA. Submit two copies to Banc of America Public Capital Corp., 1111 East Main Street, 18th Floor, Richmond, VA 32319-3500, Attn: Charles T. Maguire, Senior Vice President. See specific instructions at www.ncbussafety.org/finance.

All documents are available at www.ncbussafety.org/finance. Questions should be directed to Steve Beachum at DPI Transportation Services (919) 807-3576.

REQUEST FOR PAYMENT

LEA Financed Purchase of Replacement School Buses

Authorized by NC Department of Public Instruction

We the _____ Board of Education (LEA), hereby request that the North Carolina Department of Public Instruction (DPI) make the installment payments detailed below on our behalf. Payment #1 made by DPI on behalf of LEA to Banc of America Public Capital Corporation (BAPCC) within 10 days of acceptance of bus. Payment made by BAPCC to White’s International Trucks within 30 days of acceptance of bus. Payment # 2 made by DPI to BAPCC on behalf of LEA by 11/15/10 or within ten days of the acceptance of the school bus, whichever is later; Payment # 3 made by DPI on behalf of LEA by 11/15/11 to BAPCC; Payment # 4 made by DPI on behalf of LEA by 11/15/12 to BAPCC.

Description of DPI Authorized Buses (See Note 1)	Purchase Price Unit Cost (See Note 1)	Payment # 1 Per Bus (See Note 1)	Payment # 2 Per Bus (See Note 1)	Payment # 3 Per Bus (See Note 1)	Payment # 4 Per Bus (See Note 1)	Total Unit Cost- Financed (See Note 1)	Quantity (See Note 1)	Total Purchase Price Payable by BAPCC to White’s International Trucks (See Note 1, 2, & 3)	Total Financed Cost Payable by DPI for LEA to BAPCC (See Note 1 & 2)
TOTALS:									

- Notes:**
- 1) Information available on EXHIBIT “B”, AGGREGATE LIST OF REPLACEMENT SCHOOL BUSES AUTHORIZED BY NC DEPARTMENT OF PUBLIC INSTRUCTION.
 - 2) Payments per bus dependent on date of delivery.
 - 3) Total purchase price payable to BAPCC to White’s International Trucks equals the Purchase Order (PO) amount.

Superintendent

Finance Officer