

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 134\*

Short Title: Exempt Ports Authority.

(Public)

Sponsors: Representatives Hall; B. Ethridge and Lineberry.

Referred to: Infrastructure.

February 2, 1989

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE STATE PORTS AUTHORITY FROM THE PURCHASING AND CONTRACTING AND PUBLIC BUILDING PROVISIONS OF CHAPTER 143.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-465 reads as rewritten:

"§ 143B-465. Purchase of supplies, material and equipment and building contracts.

All of the provisions of Article 3 of Chapter 143 of the General Statutes relating to the purchase of supplies, material and equipment by the State government are hereby made applicable to the North Carolina State Ports Authority. All of the provisions of Chapter 143 of the General Statutes relating to public building contracts are hereby made applicable to the North Carolina State Ports Authority for those construction projects which may be funded, in whole or in part, by appropriations from the General Assembly.

(a) The Authority may purchase supplies, material, and equipment, and negotiate building and other contracts, for the purposes set forth in this Article, without meeting the requirements of Chapter 143 of the General Statutes relating to those activities, except as hereafter noted, whether or not those activities are funded by appropriations from the General Assembly.

(b) The Authority shall develop rules and procedures for the purchase of supplies, material, and equipment, and the negotiation of building and other contracts deemed necessary by the Authority to accomplish the purposes of this Article. These rules shall be submitted for approval and filing pursuant to the Administrative Procedure Act, Chapter 150B.

1       (c) With respect to purchases and contracts, the Authority shall comply with the  
2 State policy of encouraging and promoting the use of small, minority, physically  
3 handicapped, and women contractors in the effective and economical acquisition,  
4 management, and disposition of goods and services, as set forth in G.S. 143-48. The  
5 Authority may use any of the procedures set forth in Chapter 143 of the General  
6 Statutes for its purchases and contracts when it determines that it would be more  
7 economical or otherwise advantageous to do so.

8       (d) With respect to public building contracts, the Authority shall comply with the  
9 State policy of encouraging and promoting the use of small, minority, physically  
10 handicapped, and women contractors in the effective and economical construction of  
11 public buildings, as set forth in G.S. 143-135.5. The Authority may use the single prime  
12 contract system, and may prequalify bidders, provided that all bidders identify on their  
13 bid the electrical, plumbing, and mechanical contractors they have selected. Each bidder  
14 shall include minority business subcontractors in an amount not less than ten percent  
15 (10%) of the prospective prime contractor's total bid, or shall explain why that bidder  
16 was unable to secure qualified minority contractors in such an amount. The Authority  
17 shall also consider the public policy of this State regarding the procurement of  
18 architectural and engineering services, as set forth in G.S. 143-64.31, in the case of any  
19 project where an estimated professional fee is in the amount of thirty thousand dollars  
20 (\$30,000) or more. The Authority may use any of the procedures set out in Chapter 143  
21 of the General Statutes with respect to public building contracts when it determines that  
22 it would be more economical or otherwise advantageous to do so.

23       (e) Every 60 days, beginning September 1, 1989, the Authority shall submit to  
24 the Secretary of the North Carolina Department of Administration a report as to all  
25 purchases and contracts (including building contracts, but excluding operating  
26 agreements and leases with port customers) which shall have been made or entered into  
27 by the Authority during the preceding 60 days. If the Secretary of the Department of  
28 Administration determines that the Authority has acted contrary to its rules or to the  
29 State policies referred to in subsections (c) and (d) above with respect to any of the  
30 matters reported to him, he shall promptly notify the Governor and the State Auditor in  
31 writing, identifying the particular transaction and the manner in which the Authority has  
32 failed to act according to its rules or those State policies. A copy of this notice shall also  
33 be provided to the Authority, and it shall take corrective action within 30 days of receipt  
34 of that notice."

35               Sec. 2. This act is effective upon ratification.