

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 140

Government Performance Audit Select Committee Substitute Adopted 2/23/93

Short Title: GPAC/Improve State Term Contracts.

(Public)

Sponsors:

Referred to: Rules and Operation of the Senate.

February 15, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT  
3 PERFORMANCE AUDIT COMMITTEE TO REVISE THE REQUIREMENT  
4 THAT AGENCIES MUST BUY ALL ITEMS VIA STATE TERM CONTRACTS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143-53 reads as rewritten:

7 "§ 143-53. Rules.

8 The Secretary of Administration may adopt rules governing the following:

9 (1) Prescribing the routine and procedures to be followed in canvassing  
10 bids and awarding contracts, and for reviewing decisions made  
11 pursuant thereto, and the decision of the reviewing body shall be the  
12 final administrative review.

13 (2) Prescribing routine for securing bids on items that do not exceed the  
14 bid value benchmark established under the provisions of G.S. 143-  
15 53.1.

16 (2a) Prescribing the terms and conditions under which agencies, with  
17 respect to commodities covered by term contracts, may

18 a. Purchase a commodity off of a term contract subject to the  
19 expenditure threshold established by the Secretary for the  
20 commodity; and

21 b. Make volume purchases, which exceed limits established by the  
22 Secretary, under separate contracts.

1           A commodity may be purchased off of the term contract pursuant  
2           to this subdivision only if its purchase price is less than that  
3           established for the item under the term contract. The maximum  
4           expenditure threshold under sub-subdivision a. of this subdivision for  
5           any commodity is five hundred dollars (\$500.00).

6           All purchases made pursuant to this subdivision shall be reported to  
7           the Department in the manner required by the Secretary.

- 8           (3) Defining contractual services for the purposes of G.S. 143-49(3).  
9           (4) Prescribing items and quantities, and conditions and procedures,  
10          governing the acquisition of goods and services which may be  
11          delegated to departments, institutions and agencies, notwithstanding  
12          any other provisions of this Article.  
13          (5) Prescribing conditions under which purchases and contracts for the  
14          purchase, rental or lease of equipment, materials, supplies or services  
15          may be entered into by means other than competitive bidding.  
16          (6) Prescribing conditions under which partial, progressive and multiple  
17          awards may be made.  
18          (7) Prescribing conditions and procedures governing the purchase of used  
19          equipment, materials and supplies.  
20          (8) Providing conditions under which bids may be rejected in whole or in  
21          part.  
22          (9) Prescribing conditions under which information submitted by bidders  
23          or suppliers may be considered proprietary or confidential.  
24          (10) Prescribing procedures for making purchases under programs  
25          involving participation by two or more levels or agencies of  
26          government, or otherwise with funds other than State-appropriated.  
27          (11) Prescribing procedures to encourage the purchase of North Carolina  
28          farm products, and products of North Carolina manufacturing  
29          enterprises.  
30          (12) Repealed by Session Laws 1987, c. 827, s. 216.

31          The purpose of rules promulgated hereunder shall be to promote sound purchasing  
32          management.

33          Prior to adopting rules under this section, the Secretary of Administration may  
34          consult with the Advisory Budget Commission."

35          Sec. 2. This act is effective upon ratification and expires June 30, 1995.