

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 148

Short Title: Improve Gov't Purchase Stds.

(Public)

Sponsors: Senators Martin of Guilford; and Blackmon.

Referred to: Rules and Operation of the Senate.

February 15, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO IMPROVE THE PROGRAM UNDER WHICH SPECIFICATION STANDARDS ARE DEVELOPED FOR COMMODITIES PURCHASED BY THE STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-49 reads as rewritten:

"§ 143-49. Powers and duties of Secretary.

The Secretary of Administration shall have power and authority, and it shall be his duty, subject to the provisions of this Article:

(1) To canvass sources of supply, and to purchase or to contract for the purchase, lease and lease-purchase of all supplies, materials, equipment and other tangible personal property required by the State government, or any of its departments, institutions or agencies under competitive bidding or otherwise as hereinafter provided.

(2) To establish and enforce specifications ~~which~~ or standards that shall apply to all supplies, materials and equipment to be purchased or leased for the use of the State government or any of its departments, institutions or agencies. The Secretary shall develop a program for prioritizing the commodities for which specifications or standards need to be developed according to the existing demand for the commodities and the current volume of purchases of the commodities. The Secretary shall also consider the adoption of specifications or

1 standards that have been developed or adopted by other governmental
2 entities.

- 3 (3) To purchase or to contract for, by sealed, competitive bidding or other
4 suitable means, all contractual services and needs of the State
5 government, or any of its departments, institutions, or agencies; or to
6 authorize any department, institution or agency to purchase or contract
7 for such services.

8 When the award of any contract for contractual services
9 exceeding a cost of one hundred thousand dollars (\$100,000)
10 requires negotiation with prospective contractors, the Secretary
11 shall request and the Attorney General shall assign a
12 representative of the office of the Attorney General to assist in
13 negotiation for the award of the contract. It shall be the duty of
14 such representative to assist and advise in obtaining the most
15 favorable contract for the State, to evaluate all proposals
16 available from prospective contractors for that purpose, to
17 interpret proposed contract terms and to advise the Secretary or
18 his representatives of the liabilities of the State and validity of
19 the contract to be awarded. All contracts and drafts of such
20 contracts shall be prepared by the office of the Attorney
21 General and copies thereof shall be retained by such office for a
22 period of three years following the termination of such
23 contracts. The term 'contractual services' as used in this
24 subsection shall mean work performed by an independent
25 contractor requiring specialized knowledge, experience,
26 expertise or similar capabilities wherein the service rendered
27 does not consist primarily of acquisition by this State of
28 equipment or materials and the rental of equipment, materials
29 and supplies. The term 'negotiation' as used herein shall not be
30 deemed to refer to contracts entered into or to be entered into as
31 a result of a competitive bidding process.

- 32 (4) To have general supervision of all storerooms and stores operated by
33 the State government, or any of its departments, institutions or
34 agencies and to have supervision of inventories of all tangible personal
35 property belonging to the State government, or any of its departments,
36 institutions or agencies. The duties imposed by this subdivision shall
37 not relieve any department, institution or agency of the State
38 government from accountability for equipment, materials, supplies and
39 tangible personal property under its control.

- 40 (5) To make provision for or to contract for all State printing, including all
41 printing, binding, paper stock and supplies or materials in connection
42 with the same.

- 43 (6) To make available to nonprofit corporations operating charitable
44 hospitals, to local nonprofit community sheltered workshops or centers

1 that meet standards established by the Division of Vocational
2 Rehabilitation of the Department of Human Resources, to private
3 nonprofit agencies licensed or approved by the Department of Human
4 Resources as child placing agencies or residential child-care facilities,
5 and to counties, cities, towns, governmental entities and other
6 subdivisions of the State and public agencies thereof in the expenditure
7 of public funds, the services of the Department of Administration in
8 the purchase of materials, supplies and equipment under such rules,
9 regulations and procedures as the Secretary of Administration may
10 adopt. In adopting rules and regulations any or all provisions of this
11 Article may be made applicable to such purchases and contracts made
12 through the Department of Administration, and in addition the rules
13 and regulations shall contain a requirement that payment for all such
14 purchases be made in accordance with the terms of the contract. Prior
15 to adopting rules and regulations under this subdivision, the Secretary
16 of Administration may consult with the Advisory Budget
17 Commission."

18 Sec. 2. The Secretary of Administration shall evaluate the need to reassign
19 standards engineers to the Division of Purchase and Contract and shall make the
20 reassignments as he deems appropriate.

21 Sec. 3. Section 1 of this act is effective upon ratification. Section 2 of this
22 act becomes effective July 1, 1993.