

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 838

Short Title: Durham City DBE.

(Local)

Sponsors: Senators Hunt; and Gulley.

Referred to: State Personnel and State Government.

April 13, 1993

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO PERMIT
THE INCLUSION OF DISADVANTAGED BUSINESS ENTERPRISE
REQUIREMENTS IN SPECIFICATIONS FOR CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. The Charter of the City of Durham, being Chapter 671, 1975
Session Laws, as amended, is further amended by adding the following new section:

"Sec. 84.3. Disadvantaged business enterprise requirements.

In order to assist and protect disadvantaged individuals and disadvantaged business enterprises, and in order to enhance their opportunities to compete successfully, the city council may establish, agree to, and/or comply with requirements designed to increase the participation of said enterprises, by including such requirements in the specifications for contracts to perform all or part of projects financed by public funds, and awarding bids pursuant to G.S. 143-129 and G.S. 143-131, if applicable, to the lowest responsible bidder or bidders meeting these and other specifications. For purposes of this section, the city council may establish standards to determine whether an enterprise is disadvantaged. The standards may include the following factors: (i) the educational opportunities and lack of business training of the majority of the owners; (ii) the opportunities of the majority of the owners to make effective business contacts; (iii) the difficulties of the majority of the owners to obtain financing, credit, bonding, and contracts; (iv) the inadequacy of capital accumulation of the majority of the owners; (v) the majority of the owners' past failed attempts to start and maintain a business; and (vi) limitation of economic opportunity of the majority of the owners, caused by circumstances beyond their control."

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