

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 554

Short Title: Goods & Services/Disabled/AB.

(Public)

Sponsors: Senators Kerr and Carpenter.

Referred to: Judiciary II/Election Laws

April 3, 1995

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE PURCHASE OF GOODS AND SERVICES FOR
PERSONS WITH DISABILITIES UNDER PROCEDURES THAT ALLOW
FLEXIBILITY TO MEET INDIVIDUAL NEEDS.

The General Assembly of North Carolina enacts:

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

"§ 143-53. Rules.

(a) The Secretary of Administration may adopt rules governing the following:

- (1) Prescribing the routine and procedures to be followed in canvassing bids and awarding contracts, and for reviewing decisions made pursuant thereto, and the decision of the reviewing body shall be the final administrative review.
- (2) Prescribing routine for securing bids on items that do not exceed the bid value benchmark established under the provisions of G.S. 143-53.1.
- (3) Defining contractual services for the purposes of G.S. 143-49(3).
- (4) Prescribing items and quantities, and conditions and procedures, governing the acquisition of goods and services which may be delegated to departments, institutions and agencies, notwithstanding any other provisions of this Article.

- 1 (5) Prescribing conditions under which purchases and contracts for the
2 purchase, rental or lease of equipment, materials, supplies or services
3 may be entered into by means other than competitive bidding.
- 4 (6) Prescribing conditions under which partial, progressive and multiple
5 awards may be made.
- 6 (7) Prescribing conditions and procedures governing the purchase of used
7 equipment, materials and supplies.
- 8 (8) Providing conditions under which bids may be rejected in whole or in
9 part.
- 10 (9) Prescribing conditions under which information submitted by bidders or
11 suppliers may be considered proprietary or confidential.
- 12 (10) Prescribing procedures for making purchases under programs involving
13 participation by two or more levels or agencies of government, or
14 otherwise with funds other than State-appropriated.
- 15 (11) Prescribing procedures to encourage the purchase of North Carolina
16 farm products, and products of North Carolina manufacturing
17 enterprises.
- 18 (12) Repealed by Session Laws 1987, c. 827, s. 216.

19 (b) In adopting the rules authorized by subsection (a) of this section, the Secretary
20 shall include special provisions for the purchase of goods and services, which provisions
21 are necessary to meet the documented training, work, or independent living needs of
22 persons with disabilities according to the requirements of the Rehabilitation Act of 1973,
23 as amended, and the Americans with Disabilities Act, as amended. The Secretary may
24 consult with other agencies having expertise in meeting the needs of individuals with
25 disabilities in developing these provisions. These special provisions shall establish
26 purchasing procedures that:

- 27 (1) Provide for the involvement of the individual in the choice of particular
28 goods, service providers, and in the methods used to provide the goods
29 and services;
- 30 (2) Provide the flexibility necessary to meet those varying needs of
31 individuals that are related to their disabilities;
- 32 (3) Allow for purchase outside of certified sources of supply and
33 competitive bidding when a single source can provide multiple pieces of
34 equipment, including adaptive equipment, that are more compatible
35 with each other than they would be if they were purchased from
36 multiple vendors;
- 37 (4) Permit priority consideration for vendors who have the expertise to
38 provide appropriate and necessary training for the users of the
39 equipment and who will guarantee prompt service, ongoing support, and
40 maintenance of this equipment;
- 41 (5) Permit agencies to give priority consideration to suppliers offering the
42 earliest possible delivery date of goods or services especially when a
43 time factor is crucial to the individual's ability to secure a job, meet the

1 probationary training periods of employment, continue to meet job
2 requirements, or avoid residential placement in an institutional setting;
3 and

4 (6) Allow consideration of the convenience of the provider's location for the
5 individual with the disability.

6 In developing these purchasing provisions, the Secretary shall also consider the
7 following criteria: (i) cost-effectiveness, (ii) quality, (iii) the provider's general
8 reputation and performance capabilities, (iv) substantial conformity with specifications
9 and other conditions set forth for these purchases, (v) the suitability of the goods or
10 services for the intended use, (vi) the personal or other related services needed, (vii)
11 transportation charges, and (viii) any other factors the Secretary considers pertinent to the
12 purchases in question.

13 (c) The purpose of rules promulgated hereunder shall be to promote sound
14 purchasing management.

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

17 Sec. 2. This act becomes effective October 1, 1995, and applies to rules for
18 purchases made on or after that date.