

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1151*

Short Title: Pub. Sch. Purchasing Flexibility.

(Public)

Sponsors: Senators Dalton, Winner, Lee; Ballance, Blust, Hartsell, Jenkins, Jordan, Kinnaird, Ledbetter, Lucas, Odom, Phillips, Shaw of Cumberland, Weinstein, and Wellons.

Referred to: Education/Higher Education.

May 18, 1998

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
3 LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO INCREASE
4 PURCHASING FLEXIBILITY FOR ALL PUBLIC SCHOOLS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 115C-522.1 reads as rewritten:
7 "**§ 115C-522.1. ~~Pilot program for provision of equipment from other sources.~~**
8 **Purchasing flexibility.**

9 (a) ~~The State Board of Education shall develop and implement a pilot program~~
10 ~~allowing selected local school administrative units to purchase supplies, equipment, and~~
11 ~~materials from noncertified sources. In developing the program, the State Board shall~~
12 ~~collaborate with the Department of Administration on establishing standards,~~
13 ~~specifications, and any other measures necessary to implement and evaluate the pilot~~
14 ~~program. The State Board shall initially select twelve (12) local school administrative~~
15 ~~units that are diverse in geography and size to participate in the pilot program. If the State~~
16 ~~Board thereafter determines that the pilot program is effective, efficient, and in the best~~
17 ~~interest of the public schools, the State Board shall have the authority to expand the pilot~~
18 ~~program to additional local school administrative units.~~

1 (b) Local school administrative units ~~participating in the pilot program~~ shall have the
2 authority to purchase the same supplies, equipment, and materials from noncertified
3 sources as are available under State term contracts, subject to the following conditions:

4 (1) The purchase price, including the cost of delivery, is less than the cost
5 under the State term contract;

6 (2) The cost of the purchase shall not exceed the bid value benchmark
7 established under ~~G.S. 143-53.1~~; G.S. 143-53.1; and

8 (3) The local school administrative unit ~~documents in writing~~ maintains
9 written documentation of the cost savings; and savings.

10 (4) ~~The local school administrative unit shall provide annually by August~~
11 ~~15 an itemized report of the cost savings to the State Board of~~
12 ~~Education.~~

13 (c) The requirements listed in subsection (b) of this section shall not apply to
14 purchases from noncertified sources that fall below the economic ordering quantity of a
15 State term contract.

16 (d) ~~The State Board of Education shall provide to the~~ Upon the request of the
17 Department of Administration ~~Administration~~, copies of the itemized annual reports
18 produced by the local school administrative units participating in the pilot program. The
19 State Board shall evaluate the information provided by the participating units and shall
20 report its findings and recommendations to the Joint Legislative Education Oversight
21 Committee by October 1, 1997, and annually thereafter. a local school administrative unit
22 shall provide the written documentation of cost savings required under subdivision (3) of
23 subsection (b) of this section."

24 Section 2. G.S. 115C-522(a) reads are rewritten:

25 "**§ 115C-522. Provision of equipment for buildings.**

26 (a) ~~Except as provided in G.S. 115C-522.1, it shall be the duty of local boards of~~
27 ~~education to purchase or exchange all supplies, equipment and materials in accordance~~
28 ~~with contracts made by or with the approval of the Department of Administration. Title to~~
29 ~~instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the~~
30 ~~current expense fund budget and purchased out of State funds, shall be taken in the name~~
31 ~~of the local board of education which shall be responsible for the custody and~~
32 ~~replacement: Provided, that no contracts shall be made by any local school administrative~~
33 ~~unit for purchases unless provision has been made in the budget of the unit to pay for the~~
34 ~~purchases, unless surplus funds are on hand to pay for the purchases, or unless the~~
35 ~~contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds~~
36 ~~are available to pay in the current fiscal year the sums obligated for the current fiscal~~
37 ~~year, and in order to protect the State purchase contractor, it is made the duty of the~~
38 ~~governing authorities of the local units to pay for these purchases promptly and in~~
39 ~~accordance with the terms of the contract of purchase."~~

40 Section 3. G.S. 115C-47(23) reads as rewritten:

41 "(23) To Purchase Equipment and Supplies. – Local boards shall contract for
42 equipment and supplies ~~pursuant to the provisions of~~ under G.S. ~~115C-~~
43 ~~522(a)~~ 115C-522(a), 115C-522.1, and 115C-528."

1 Section 4. This act is effective when it becomes law.