

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

2

HOUSE BILL 1564  
Committee Substitute Favorable 6/19/00

Short Title: Information Technology Procurement.

(Public)

---

Sponsors:

---

Referred to:

---

May 17, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS  
3 REGARDING THE PROCUREMENT OF INFORMATION TECHNOLOGY BY  
4 STATE AGENCIES AND INSTITUTIONS.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 143B-472.51 reads as rewritten:

7 "**§ 143B-472.51. Powers and duties of Office of Information Technology Services.**

8 (a) The Office of Information Technology Services has the following powers and  
9 duties:

- 10 (1) Procure all information technology for State agencies, ~~except as~~  
11 provided in G.S. 143B-472.54. The University of North Carolina and its  
12 constituent institutions.—institutions may elect to participate in  
13 information technology procurement under this Article or may obtain  
14 information technology in compliance with Department of  
15 Administration requirements.  
16 (2) Submit for approval of the Information Resources Management  
17 Commission all rates and fees for common, shared State government-  
18 wide technology services provided by the Office.

- 1 (3) Submit for approval of the Information Resources Management  
2 Commission recommended State government-wide, enterprise-level  
3 policies for information technology.
- 4 (4) Develop standards, procedures, and processes to implement policies  
5 approved by the Information Resources Management Commission.
- 6 (5) Assure that State agencies implement and manage information  
7 technology portfolio-based management of State information  
8 technology resources, in accordance with the direction set by the State  
9 Chief Information Officer.
- 10 (6) Assure that State agencies implement and manage information  
11 technology enterprise management effort of State government, in  
12 accordance with the direction set by the State Chief Information Officer.
- 13 (7) Provide recommendations to the Information Resources Management  
14 Commission for its biennial technology strategy and to develop State  
15 government-wide technology initiatives to be approved by the  
16 Information Resources Management Commission.
- 17 (8) Develop a project management, quality assurance, and architectural  
18 review process that adheres to the Information Resources Management  
19 Commission's certification program and portfolio-based management  
20 initiative.
- 21 (9) Establish and utilize the Information Technology Management Advisory  
22 Council to consist of representatives from other State agencies to advise  
23 the Office on information technology business management and  
24 technology matters.

25 (b) ~~Other State agencies and~~ Notwithstanding any other provision of law, local  
26 governmental entities may use the information technology programs, services, or  
27 contracts offered by the Office-Office, including information technology procurement, in  
28 accordance with the policies-statutes, policies, and rules adopted by the Information  
29 Resources Management Commission-of the Office. For purposes of this subsection, 'local  
30 governmental entities' includes local school administrative units, as defined in G.S.  
31 115C-5, and community colleges. Local governmental entities are not required to  
32 comply with otherwise applicable competitive bidding requirements when using contracts  
33 established by the Office. Any other State entities, including The University of North  
34 Carolina and its constituent institutions, may also use the information technology  
35 programs, services, or contracts offered by the Office, including information technology  
36 procurement, in accordance with the statutes, policies, and rules of the Office."

37 Section 2. G.S. 143B-472.54 reads as rewritten:

38 **"§ 143B-472.54. Procurement of information technology.**

39 Notwithstanding any other provision of law, the Office shall procure all information  
40 technology for State agencies ~~except~~ agencies. For purposes of this section, agency  
41 means any department, institution, commission, committee, board, division, bureau,  
42 office, officer, or official of the State, unless specifically exempted in this Article. The  
43 University of North Carolina and its constituent institutions-institutions may elect to

1 participate in information technology procurement under this Article or may obtain  
2 information technology in compliance with Department of Administration requirements.  
3 The Office shall integrate technological review, cost analysis, and procurement for all  
4 information technology needs of those State agencies in order to make procurement and  
5 implementation of technology more responsive, efficient, and cost-effective. Responses  
6 to solicitations and all information and documentation relative to the development of a  
7 contractual document shall be deemed confidential in nature and may be made a matter of  
8 public record after the contract is awarded. Award information determined by the State  
9 Chief Information Officer to be confidential due to the nature of the purchase, such as  
10 security or privacy-related information, shall remain confidential."

11 Section 3. G.S. 143B-472.58(b) reads as rewritten:

12 "(b) Reporting. – Every State agency ~~required by this Part to use that makes a direct~~  
13 purchase of information technology using the services of the Office in the procurement of  
14 information technology which purchases information technology directly shall report to the  
15 Office the information required by G.S. 143-48(b) and the Office shall report directly to the  
16 Department of Administration in accordance with all information required by G.S. 143-  
17 48(b)."

18 Section 4. G.S. 143B-472.63(a) reads as rewritten:

19 "**§ 143B-472.63. Board of Award Awards review.**

20 (a) When the dollar value of a contract for the procurement of information  
21 technology equipment, materials, and supplies exceeds the benchmark established by the  
22 Secretary of Commerce, the contract shall be reviewed by the Board of Awards pursuant  
23 to G.S. 143-52.1 prior to the contract being awarded."

24 Section 5. This act is effective when it becomes law.