

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 968
Commerce Committee Substitute Adopted 6/23/99
Third Edition Engrossed 7/12/99

Short Title: Waiver of Competitive Bidding Modified.

(Public)

Sponsors:

Referred to:

April 15, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE LAW REGARDING THE WAIVER OF COMPETITIVE
3 BIDDING AND TO REQUIRE BID PROTESTS INVOLVING CONTRACTS
4 OVER A CERTAIN AMOUNT TO BE HANDLED BY THE DEPARTMENT OF
5 ADMINISTRATION.

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-53(a)(1) reads as rewritten:

8 "(1) Prescribing the routine and procedures to be followed in canvassing bids
9 and awarding contracts, and for reviewing decisions made pursuant
10 thereto, and the decision of the reviewing body shall be the final
11 administrative review. The Division of Purchase and Contract shall
12 review and decide a protest on a contract valued at twenty-five thousand
13 dollars (\$25,000) or more. The Secretary shall adopt rules or criteria
14 governing the review of and decision on a protest on a contract of less
15 than twenty-five thousand dollars (\$25,000) by the agency that awarded
16 the contract."

17 Section 2. G.S. 143-53(a)(5) reads as rewritten:

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 Notwithstanding the provisions of subsections (a) and (b) of this
5 section, any waiver of competition for the purchase, rental, or lease of
6 equipment, materials, supplies, or services is subject to prior review by
7 the Secretary, if the expenditure exceeds ten thousand dollars (\$10,000).
8 The Division may levy a fee, not to exceed one dollar (\$1.00), for
9 review of each waiver application."

10 Section 3. G.S. 143-57 reads as rewritten:

11 **"§ 143-57. Purchases of articles in certain emergencies.**

12 In case of any emergency or pressing need arising from unforeseen causes including
13 but not limited to delay by contractors, delay in transportation, breakdown in machinery,
14 or unanticipated volume of work, the Secretary of Administration shall have power to
15 obtain or authorize obtaining in the open market any necessary supplies, materials,
16 equipment, printing or services for immediate delivery to any department, institution or
17 agency of the State government. A report on the circumstances of such emergency or
18 need and the transactions thereunder shall be made a matter of record promptly thereafter.
19 If the expenditure exceeds ten thousand dollars (\$10,000), the report shall also be made
20 promptly thereafter to the Division of Purchase and Contract."

21 Section 3.1. This act does not apply to an agency, board, department,
22 institution, or commission that is exempt from Article 3 of Chapter 143 of the General
23 Statutes or from the provisions of that Article that require certain contracts to be awarded
24 by the Department of Administration.

25 Section 4. This act becomes effective September 1, 1999. Section 1 applies to
26 bid protests filed on or after that date. Sections 2 and 3 of this act apply to contracts
27 awarded on or after that date.