

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 132

Short Title: Minority Business Coordinator.

(Public)

Sponsors: Senators Martin of Guilford; and Blackmon.

Referred to: Rules and Operation of the Senate.

February 15, 1993

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT
PERFORMANCE AUDIT COMMITTEE TO DIRECT THE SECRETARY OF
ADMINISTRATION TO DESIGNATE A MINORITY BUSINESS
COORDINATOR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-49 reads as rewritten:

"§ 143-49. Powers and duties of Secretary.

The Secretary of Administration shall have power and authority, and it shall be his duty, subject to the provisions of this Article:

- (1) To canvass sources of supply, and to purchase or to contract for the purchase, lease and lease-purchase of all supplies, materials, equipment and other tangible personal property required by the State government, or any of its departments, institutions or agencies under competitive bidding or otherwise as hereinafter provided.
- (2) To establish and enforce specifications which shall apply to all supplies, materials and equipment to be purchased or leased for the use of the State government or any of its departments, institutions or agencies.
- (3) To purchase or to contract for, by sealed, competitive bidding or other suitable means, all contractual services and needs of the State government, or any of its departments, institutions, or agencies; or to authorize any department, institution or agency to purchase or contract for such services.

1 When the award of any contract for contractual services exceeding
2 a cost of one hundred thousand dollars (\$100,000) requires negotiation
3 with prospective contractors, the Secretary shall request and the
4 Attorney General shall assign a representative of the office of the
5 Attorney General to assist in negotiation for the award of the contract.
6 It shall be the duty of such representative to assist and advise in
7 obtaining the most favorable contract for the State, to evaluate all
8 proposals available from prospective contractors for that purpose, to
9 interpret proposed contract terms and to advise the Secretary or his
10 representatives of the liabilities of the State and validity of the contract
11 to be awarded. All contracts and drafts of such contracts shall be
12 prepared by the office of the Attorney General and copies thereof shall
13 be retained by such office for a period of three years following the
14 termination of such contracts. The term 'contractual services' as used in
15 this subsection shall mean work performed by an independent
16 contractor requiring specialized knowledge, experience, expertise or
17 similar capabilities wherein the service rendered does not consist
18 primarily of acquisition by this State of equipment or materials and the
19 rental of equipment, materials and supplies. The term 'negotiation' as
20 used herein shall not be deemed to refer to contracts entered into or to
21 be entered into as a result of a competitive bidding process.

- 22 (4) To have general supervision of all storerooms and stores operated by
23 the State government, or any of its departments, institutions or
24 agencies and to have supervision of inventories of all tangible personal
25 property belonging to the State government, or any of its departments,
26 institutions or agencies. The duties imposed by this subdivision shall
27 not relieve any department, institution or agency of the State
28 government from accountability for equipment, materials, supplies and
29 tangible personal property under its control.
- 30 (5) To make provision for or to contract for all State printing, including all
31 printing, binding, paper stock and supplies or materials in connection
32 with the same.
- 33 (6) To make available to nonprofit corporations operating charitable
34 hospitals, to local nonprofit community sheltered workshops or centers
35 that meet standards established by the Division of Vocational
36 Rehabilitation of the Department of Human Resources, to private
37 nonprofit agencies licensed or approved by the Department of Human
38 Resources as child placing agencies or residential child-care facilities,
39 and to counties, cities, towns, governmental entities and other
40 subdivisions of the State and public agencies thereof in the expenditure
41 of public funds, the services of the Department of Administration in
42 the purchase of materials, supplies and equipment under such rules,
43 regulations and procedures as the Secretary of Administration may
44 adopt. In adopting rules and regulations any or all provisions of this

1 Article may be made applicable to such purchases and contracts made
2 through the Department of Administration, and in addition the rules
3 and regulations shall contain a requirement that payment for all such
4 purchases be made in accordance with the terms of the contract. Prior
5 to adopting rules and regulations under this subdivision, the Secretary
6 of Administration may consult with the Advisory Budget Commission.

7 (7) To designate an employee of the Purchase and Contract Division to
8 serve as a coordinator for the conduct of outreach programs designed
9 to encourage participation by small, minority, physically handicapped,
10 and women contractors in State purchasing of goods and services. The
11 minority business coordinator shall:

12 a. Conduct vendor fairs and seminars and prepare information
13 packets that provide such businesses with instructions on doing
14 business with the State; and

15 b. Coordinate with the Small Business Administration and the
16 Minority Business Development Administration to facilitate
17 participation by such businesses."

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