

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2263*
Committee Substitute Favorable 6/21/90
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Short Title: Participation Reports.

(Public)

Sponsors:

Referred to:

June 1, 1990

A BILL TO BE ENTITLED

AN ACT TO REQUIRE REPORTING TO THE DEPARTMENT OF ADMINISTRATION OF PARTICIPATION BY DISADVANTAGED BUSINESSES IN PUBLIC PROCUREMENT CONTRACTS AND TO REQUIRE THE DEPARTMENT TO COLLECT, COMPILE, AND REPORT THE DATA; AND TO CLARIFY THE PUBLIC BIDDING LAW FOR SINGLE-PRIME AND SEPARATE-PRIME COMPETITIVE BIDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-48 reads as rewritten:

"§ 143-48. State policy; cooperation in promoting the use of small, minority, physically handicapped and women contractors; purpose; required annual reports.

(a) It is the policy of this State to encourage and promote the use of small, minority, physically handicapped and women contractors in State purchasing of goods and services. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage the use of small, minority, physically handicapped and women contractors in achieving the purpose of this Article, which is to provide for the effective and economical acquisition, management and disposition of goods and services by and through the Department of Administration.

(b) Every governmental entity required by statute to use the services of the Department of Administration in the purchase of goods and services and every private,

1 nonprofit corporation that receives an appropriation of five hundred thousand dollars
2 (\$500,000) or more during a fiscal year from the General Assembly shall report to the
3 Department of Administration annually on what percentage of its contract purchases of
4 goods and services, through term contracts and open-market contracts, were from
5 minority-owned businesses, what percentage from female-owned businesses, and what
6 percentage from disabled-owned businesses. The same governmental entities shall
7 include in their reports what percentages of the contract bids for such purchases were
8 from such businesses. The Department of Administration shall provide instructions to
9 the reporting entities concerning the manner of reporting and the definitions of the
10 businesses referred to in this act, provided that, for the purposes of this act:

11 (1) A business in one of the categories above means one:

12 a. In which at least fifty-one percent (51%) of the business, or of
13 the stock in the case of a corporation, is owned by one or more
14 persons in the category; and

15 b. Of which the management and daily business operations are
16 controlled by one or more persons in the category who own it;
17 and

18 (2) A female or a disabled person is not a minority, unless the female or
19 disabled person is also a member of one of the minority groups
20 described in G.S. 143-128(c)(2)a through d; and

21 (3) A disabled person means a 'handicapped person' as defined in G.S.
22 168A-3(4).

23 The Department of Administration shall collect and compile the data described in this
24 section and report it annually to the General Assembly."

25 Sec. 2. The Department of Administration shall include in its report to the
26 General Assembly in 1991 any data on participation by businesses described in Section
27 1 of this act that has been reported to it from governmental entities during previous
28 years but that the Department has never reported to a standing committee of the General
29 Assembly.

30 Sec. 3. The Department shall use any moneys available to it that are
31 necessary to implement Sections 1 and 2.

32 Sec. 4. G.S. 143-132(b) reads as rewritten:

33 "(b) For purposes of contracts bid in the alternative between the separate prime
34 and single-prime contracts, pursuant to G.S. 143-128(b), a bid submitted by a single-
35 prime contractor shall constitute a competitive bid in each of the four subdivisions or
36 branches of work listed in ~~G.S. 143-128(a)~~-G.S. 143-128(a), and each full set of separate
37 prime bids shall constitute a competitive single-prime bid in meeting the requirements
38 of subsection (a) of this section."

39 Sec. 5. This act shall become effective July 1, 1990.