

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 701
Committee Substitute Favorable 4/22/13

Short Title: IT Purchasing/Convenience Contracts.

(Public)

Sponsors:

Referred to:

April 11, 2013

1 A BILL TO BE ENTITLED
2 AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION
3 TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY
4 COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF
5 INFORMATION OFFICER.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 147-33.81 is amended by adding a new subdivision to read:

8 "(7) "Cooperative purchasing agreement" means an agreement between a vendor
9 and one or more states or state agencies providing that the parties may
10 collaboratively or collectively purchase information technology goods and
11 services in order to increase economics of scale and reduce costs."

12 **SECTION 2.** G.S. 147-33.95 reads as rewritten:

13 **"§ 147-33.95. Procurement of information technology.**

14 (a) Notwithstanding any other provision of law, the Office of Information Technology
15 Services shall procure all information technology for State agencies. The Office shall integrate
16 technological review, cost analysis, and procurement for all information technology needs of
17 those State agencies in order to make procurement and implementation of technology more
18 responsive, efficient, and cost-effective. All contract information shall be made a matter of
19 public record after the award of contract. Trade secrets, test data, similar proprietary
20 information, and security information protected under G.S. 132-6.1(c) may remain confidential.

21 (b) The Office shall have the authority and responsibility, subject to the provisions of
22 this Part, to:

23 (1) Purchase or contract for all information technology in the State government,
24 or any of its departments, institutions, or agencies covered by this Part. The
25 Office may authorize any State agency covered by this Part to purchase or
26 contract for information technology. The Office or a State agency may use
27 any authorized means, including negotiations, reverse auctions, and the
28 solicitation, offer, and acceptance of electronic bids. G.S. 143-135.9 shall
29 apply to these procedures.

30 (2) Establish processes, specifications, and standards that shall apply to all
31 information technology to be purchased, licensed, or leased in the State
32 government or any of its departments, institutions, or agencies covered by
33 this Part.

34 (2a) Establish procedures to permit State agencies and local government agencies
35 to use the General Services Administration (GSA) Cooperative Purchasing
36 Program to purchase information technology (i) awarded under General



1 Services Administration Supply Schedule 70 Information Technology and
2 (ii) from contracts under the GSA's Consolidated Schedule containing
3 information technology special item numbers.

4 (3) Comply with the State government-wide technical architecture, as required
5 by the State CIO.

6 (4) If a State agency wishes to enter into a cooperative purchasing agreement,
7 the agency must first obtain approval by the State CIO. Upon receiving a
8 request to use a cooperative purchasing agreement, the State CIO must
9 evaluate the need for goods or services available through the agreement,
10 review the specifications, terms, and conditions of the agreement, and obtain
11 legal advice on the use of the agreement. Prior to granting approval, the
12 State CIO must find that the agreement was awarded pursuant to a
13 competitive bidding process and that the agency will obtain the best value
14 pursuant to G.S. 143-135.9 by using the agreement. Upon approval by the
15 State CIO, a State agency may use the agreement without further approval.
16 Agencies must report periodically to the CIO regarding the use of these
17 agreements.

18 (5) The State CIO shall establish procedures for the utilization of cooperative
19 purchasing agreements.

20 (c) For purposes of this section, "reverse auction" means a real-time purchasing process
21 in which vendors compete to provide goods or services at the lowest selling price in an open
22 and interactive electronic environment. The vendor's price may be revealed during the reverse
23 auction. The Office may contract with a third-party vendor to conduct the reverse auction.

24 (d) For purposes of this section, "electronic bidding" means the electronic solicitation
25 and receipt of offers to contract. Offers may be accepted and contracts may be entered by use of
26 electronic bidding.

27 (e) The Office may use the electronic procurement system established by G.S. 143-48.3
28 to conduct reverse auctions and electronic bidding. All requirements relating to formal and
29 competitive bids, including advertisement, seal, and signature, are satisfied when a
30 procurement is conducted or a contract is entered in compliance with the reverse auction or
31 electronic bidding requirements established by the Office.

32 (f) The Office shall adopt rules consistent with this section."

33 **SECTION 3.** This act is effective when it becomes law.