

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2263\*  
Committee Substitute Favorable 6/21/90

Short Title: Participation Reports.

(Public)

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Sponsors:

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Referred to:

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June 1, 1990

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE REPORTING TO THE DEPARTMENT OF  
2 ADMINISTRATION OF PARTICIPATION BY DISADVANTAGED  
3 BUSINESSES IN PUBLIC PROCUREMENT CONTRACTS AND TO REQUIRE  
4 THE DEPARTMENT TO COLLECT, COMPILE, AND REPORT THE DATA;  
5 AND TO CLARIFY THE PUBLIC BIDDING LAW FOR SINGLE-PRIME AND  
6 SEPARATE-PRIME COMPETITIVE BIDS.  
7

8 The General Assembly of North Carolina enacts:

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

10 "**§ 143-48. State policy; cooperation in promoting the use of small, minority,**  
11 **physically handicapped and women contractors; purpose. ; required**  
12 **annual reports.**

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

21 (b) Every governmental entity required by statute to use the services of the  
22 Department of Administration in the purchase of goods and services and every private,  
23 nonprofit corporation that receives an appropriation of five hundred thousand dollars

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

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

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

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

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

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

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

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

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

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

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

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