

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 133

Short Title: Expedite State Bid Review.

(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 REDUCE THE AMOUNT OF TIME
IT TAKES THE STATE TO PROCURE GOODS AND SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-52 reads as rewritten:

**"§ 143-52. Competitive bidding procedure; consolidation of estimates by
Secretary; bids; awarding of contracts.**

As feasible, the Secretary of Administration ~~will~~shall compile and consolidate all
~~such~~ estimates of supplies, materials, equipment and contractual services needed and
required by State departments, institutions and agencies to determine the total
requirements of any given commodity. Where ~~such~~the total requirements ~~will~~are
projected to involve an expenditure in excess of the expenditure benchmark established
under the provisions of G.S. 143-53.1 and where the competitive bidding procedure is
employed as ~~hereinafter provided~~, provided in this Article, sealed bids shall be solicited
by advertisement in a newspaper of statewide circulation at least once and at least 10
days prior to the date designated for opening of the bids and awarding of the contract:
Provided, other methods of advertisement may be adopted by the Secretary of
Administration when such other method is deemed more advantageous for certain items
or commodities. Regardless of the amount of the expenditure, under the competitive
bidding procedure it shall be the duty of the Secretary of Administration to solicit bids
direct by mail from qualified sources of supply. Except as otherwise provided under
this Article, contracts for the purchase of supplies, materials or equipment shall be

1 based on competitive bids and acceptance made of the lowest and best bid(s) most
2 advantageous to the State as determined upon consideration of the following criteria:
3 prices offered; the quality of the articles offered; the general reputation and performance
4 capabilities of the bidders; the substantial conformity with the specifications and other
5 conditions set forth in the request for bids; the suitability of the articles for the intended
6 use; the personal or related services needed; the transportation charges; the date or dates
7 of delivery and performance; and ~~such any other factor(s)~~ factors deemed pertinent or
8 peculiar to the purchase in question, which if controlling shall be made a matter of
9 record. Competitive bids on ~~such the~~ contracts shall be received in accordance with
10 rules and regulations to be adopted by the Secretary of Administration, which rules and
11 regulations shall prescribe for the manner, time and place for proper advertisement for
12 ~~such the~~ bids, the time and place when bids will be received, the articles for which ~~such~~
13 the bids are to be submitted and the specifications prescribed for ~~such the~~ articles, the
14 number of the articles desired or the duration of the proposed contract, and the amount,
15 if any, of bonds or certified checks to accompany the bids. Bids shall be publicly
16 opened. Any and all bids received may be rejected. Each and every bid conforming to
17 the terms of the invitation, together with the name of the bidder, shall be tabulated or
18 otherwise entered as a matter of record, and all such records with the name of the
19 successful bidder indicated thereon shall, after the award of the contract, be open to
20 public inspection. Provided, that trade secrets, test data and similar proprietary
21 information may remain confidential. Bids shall not be provided to the ordering State
22 departments, institutions, or agencies for their review before an award is made unless
23 the ordering departments, institutions, or agencies request the opportunity to review
24 them. Bids shall not be provided to the Board of Award for review prior to award
25 unless the award is in excess of one hundred thousand dollars (\$100,000) or the
26 Secretary of Administration determines that review by the Board of Award is
27 appropriate in a given case. A bond for the faithful performance of any contract may be
28 required of the successful bidder at bidder's expense and in the discretion of the
29 Secretary of Administration. After contracts have been awarded, the Secretary of
30 Administration shall certify to the departments, institutions and agencies of the State
31 government the sources of supply and the contract price of the supplies, materials and
32 equipment so contracted for. Prior to adopting other methods of advertisement under
33 this section, the Secretary of Administration may consult with the Advisory Budget
34 Commission. Prior to adopting rules and regulations under this section, the Secretary of
35 Administration may consult with the Advisory Budget Commission."

36 Sec. 2. This act becomes effective October 1, 1993.