

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 2488\*  
Committee Substitute Favorable 6/26/08

Short Title: Charlotte Small Business Enterprise Program.

(Local)

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Sponsors:

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Referred to:

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May 26, 2008

A BILL TO BE ENTITLED

1  
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO  
3 ALLOW ADJUSTMENT OF THE GEOGRAPHIC SCOPE OF THE CITY'S  
4 SMALL BUSINESS ENTERPRISE PROGRAM.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 8.88 of the Charter of the City of Charlotte, being S.L.  
7 2000-26, as amended by S.L. 2002-91, reads as rewritten:

8 "Section 8.88. **Small Business Enterprise Program.**

9 (a) The City may establish a race and gender neutral small business enterprise  
10 program to promote the development of small businesses ~~in the Charlotte Metropolitan~~  
11 ~~Statistical~~ within the Charlotte Regional Area, and to enhance opportunities for small  
12 businesses to participate in City contracts. The City may define the term 'small business  
13 enterprise' as appropriate and consistent with the City's contracting practices. The City  
14 may establish bid and proposal specifications that include subcontracting goals and  
15 good faith efforts requirements to enhance participation by small business enterprises in  
16 City contracts. Notwithstanding G.S. 143-129 and G.S. 143-131, the City may consider  
17 a bidder's efforts to comply with small business enterprise program requirements in its  
18 award of City contracts, and if a bidder is determined to have failed to comply with said  
19 requirements, the City may within its discretion, refuse to award a contract to such  
20 bidder. As used in this section, "Charlotte Regional Area" means: (i) the Metropolitan  
21 Statistical Area that includes Charlotte, North Carolina, as defined by the United States  
22 Office of Management and Budget from time to time; and (ii) such additional counties  
23 that the City may designate from time to time for inclusion within the small business  
24 enterprise program, based on the City's periodic assessment of where small business  
25 development initiatives will promote economic development within the City.

26 (b) The small business enterprise program authorized by this section is intended  
27 to supplement and not replace the requirements of G.S. 143-128.2, 143-131, or  
28 143-135.5. Any goals or efforts established to achieve minority and women business  
29 participation consistent with said provisions of law shall take precedence over goals for

1 small business enterprise participation established under the program authorized by this  
2 section. A small business enterprise program established pursuant to this section shall  
3 be deemed consistent with the public policy of the State of North Carolina to promote  
4 and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2,  
5 143-128.3, and 143-135.5."

6 **SECTION 2.** This act is effective when it becomes law.