GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 2000-130
HOUSE BILL 1564

AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS REGARDING THE PROCUREMENT OF INFORMATION TECHNOLOGY BY STATE AGENCIES AND INSTITUTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-472.51 reads as rewritten:

"**§ 143B-472.51. Powers and duties of Office of Information Technology Services.**

(a) The Office of Information Technology Services has the following powers and duties:

(1) Procure all information technology for State agencies, ~~except~~ as provided in G.S. 143B-472.54. The University of North Carolina and its constituent ~~institutions.~~ institutions, and the Judicial Department may elect to participate in information technology procurement under this Article or may obtain information technology in compliance with Department of Administration requirements.

(2) Submit for approval of the Information Resources Management Commission all rates and fees for common, shared State government-wide technology services provided by the Office.

(3) Submit for approval of the Information Resources Management Commission recommended State government-wide, enterprise-level policies for information technology.

(4) Develop standards, procedures, and processes to implement policies approved by the Information Resources Management Commission.

(5) Assure that State agencies implement and manage information technology portfolio-based management of State information technology resources, in accordance with the direction set by the State Chief Information Officer.

(6) Assure that State agencies implement and manage information technology enterprise management effort of State government, in accordance with the direction set by the State Chief Information Officer.

(7) Provide recommendations to the Information Resources Management Commission for its biennial technology strategy and to develop State government-wide technology initiatives to be approved by the Information Resources Management Commission.

(8) Develop a project management, quality assurance, and architectural review process that adheres to the Information Resources Management Commission's certification program and portfolio-based management initiative.

(9) Establish and utilize the Information Technology Management Advisory Council to consist of representatives from other State agencies to advise the Office on information technology business management and technology matters.

(b) ~~Other State agencies and~~ Notwithstanding any other provision of law, local governmental entities may use the information technology programs, services, or contracts offered by the ~~Office~~ Office, including information technology procurement, in accordance with the ~~policies~~ statutes, policies, and rules ~~adopted by the Information Resources Management Commission.~~ of the Office. For purposes of this subsection, 'local governmental entities' includes local school administrative units, as defined in G.S. 115C-5, and community colleges. Local governmental entities are not required to comply with otherwise applicable competitive bidding requirements when using contracts established by the Office. Any other State entities, including The University of North Carolina and its constituent institutions, may also use the information technology programs, services, or contracts offered by the Office, including information technology procurement, in accordance with the statutes, policies, and rules of the Office."

Section 2. G.S. 143B-472.54 reads as rewritten:

"**§ 143B-472.54. Procurement of information technology.**

Notwithstanding any other provision of law, the Office shall procure all information technology for State ~~agencies except~~ agencies. For purposes of this section, agency means any department, institution, commission, committee, board, division, bureau, office, officer, or official of the State, unless specifically exempted in this Article. The University of North Carolina and its constituent ~~institutions.~~ institutions, and the Judicial Department may elect to participate in information technology procurement under this Article or may obtain information technology in compliance with Department of Administration requirements. The Office shall integrate technological review, cost analysis, and procurement for all information technology needs of those State agencies in order to make procurement and implementation of technology more responsive, efficient, and cost-effective. Responses to solicitations and all information and documentation relative to the development of a contractual document shall be deemed confidential in nature and shall be made a matter of public record after the contract is awarded. Award information determined by the State Chief Information Officer to be confidential due to the nature of the purchase, such as security or privacy-related information, shall remain confidential."

Section 3. G.S. 143B-472.58(b) reads as rewritten:

"(b) Reporting. – Every State agency ~~required by this Part to use~~ that makes a direct purchase of information technology using the services of the Office ~~in the procurement of information technology which purchases information technology directly shall report to the Office the information required by G.S. 143-48(b) and the~~

~~Office~~ shall report directly to the Department of Administration ~~in accordance with~~ all information required by G.S. 143-48(b)."

Section 4. G.S. 143B-472.63(a) reads as rewritten:

"**§ 143B-472.63. Board of ~~Award~~ Awards review.**

(a) When the dollar value of a contract for the procurement of information technology equipment, materials, and supplies exceeds the benchmark established by the Secretary of Commerce, the contract shall be reviewed by the Board of Awards pursuant to G.S. 143-52.1 prior to the contract being awarded."

Section 5. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 4th day of July, 2000.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 8:50 a.m. this 14th day of July, 2000