

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

2

**SENATE BILL 1336
State and Local Government Committee Substitute Adopted 7/24/02**

Short Title: Charlotte SBE Program.

(Local)

Sponsors:

Referred to:

June 12, 2002

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CHARTER OF THE CITY OF CHARLOTTE TO
2 ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The Charter of the City of Charlotte, being Session Law
6 2000-26, is amended by adding a new section in Article III of Chapter 8 to read:

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

8 (a) The City may establish a race and gender neutral small business enterprise
9 program to promote the development of small businesses in the Charlotte Metropolitan
10 Statistical Area, and to enhance opportunities for small businesses to participate in City
11 contracts. The City may define the term 'small business enterprise' as appropriate and
12 consistent with the City's contracting practices. The City may establish bid and proposal
13 specifications that include subcontracting goals and good faith efforts requirements to
14 enhance participation by small business enterprises in City contracts. Notwithstanding
15 G.S. 143-129 and G.S. 143-131, the City may consider a bidder's efforts to comply with
16 small business enterprise program requirements in its award of City contracts, and if a
17 bidder is determined to have failed to comply with said requirements, the City may
18 within its discretion, refuse to award a contract to such bidder.

19 (b) The small business enterprise program authorized by this section is intended
20 to supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-
21 135.5. Any goals or efforts established to achieve minority and women business
22 participation consistent with said provisions of law shall take precedence over goals for
23 small business enterprise participation established under the program authorized by this
24 section. A small business enterprise program established pursuant to this section shall
25 be deemed consistent with the public policy of the State of North Carolina to promote
26 and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2,
27 143-128.3, and 143-135.5."

28 **SECTION 2.** If any provision of this act or its application is held invalid, the
29 invalidity does not affect other provisions or applications of this act that can be given

1 effect without the invalid provisions or applications, and to this end the provisions of
2 this act are severable.

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