

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE DRH30229-LM-117 (03/29)

Short Title: Electronic Purchases and Sales.

(Local)

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Sponsors: Representative Saunders.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO FACILITATE ELECTRONIC PURCHASE AND SALE OF LOCAL  
GOVERNMENT PROPERTY AND TO MAKE OTHER PURCHASING  
CHANGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-129 reads as rewritten:

**"§ 143-129. Procedure for letting of public contracts.**

(a) Bidding Required. – No construction or repair work requiring the estimated expenditure of public money in an amount equal to or more than three hundred thousand dollars (\$300,000) or purchase of apparatus, supplies, materials, or equipment requiring an estimated expenditure of public money in an amount equal to or more than ninety thousand dollars (\$90,000) may be performed, nor may any contract be awarded therefor, by any board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, unless the provisions of this section are complied with.

For purchases of apparatus, supplies, materials, or equipment, the governing body of any political subdivision of the State may, subject to any restriction as to dollar amount, or other conditions that the governing body elects to impose, delegate to the ~~manager or the manager, school superintendent, chief purchasing official, or both, official, or other employee~~ the authority to award contracts, reject bids, or readvertise to receive bids on behalf of the unit. Any person to whom authority is delegated under this subsection shall comply with the requirements of this Article that would otherwise apply to the governing body.

...

(g) Waiver of Bidding for Previously Bid Contracts. – When the governing board of any political subdivision of the State, or ~~the manager or purchasing official delegated authority~~ the person to whom authority has been delegated under subsection (a) of this

1 section, determines that it is in the best interest of the unit, the requirements of this  
2 section may be waived for the purchase of apparatus, supplies, materials, or equipment  
3 from any person or entity that has, within the previous 12 months, after having  
4 completed a public, formal bid process substantially similar to that required by this  
5 Article, contracted to furnish the apparatus, supplies, materials, or equipment to:

- 6 (1) The United States of America or any federal agency;
- 7 (2) The State of North Carolina or any agency or political subdivision of  
8 the State; or
- 9 (3) Any other state or any agency or political subdivision of that state, if  
10 the person or entity is willing to furnish the items at the same or more  
11 favorable prices, terms, and conditions as those provided under the  
12 contract with the other unit or agency. Notwithstanding any other  
13 provision of this section, any purchase made under this subsection  
14 shall be approved by the governing body of the purchasing political  
15 subdivision of the State at a regularly scheduled meeting of the  
16 governing body no fewer than 10 days after publication of ~~notice, in a~~  
17 ~~newspaper of general circulation in the area served by the governing~~  
18 ~~body,~~notice that a waiver of the bid procedure will be considered in  
19 order to contract with a qualified supplier pursuant to this section.  
20 Notice may be published in a newspaper having general circulation in  
21 the political subdivision or by electronic means, or both. A decision to  
22 publish notice solely by electronic means for a particular contract or  
23 for all contracts under this subsection shall be approved by the  
24 governing board of the political subdivision. Rules issued by the  
25 Secretary of Administration pursuant to G.S. 143-49(6) shall apply  
26 with respect to participation in State term contracts."

27 **SECTION 2.** G.S. 143-131 reads as rewritten:

28 "**§ 143-131. When counties, cities, towns and other subdivisions may let contracts**  
29 **on informal bids.**

30 (a) All contracts for construction or repair work or for the purchase of apparatus,  
31 supplies, materials, or equipment, involving the expenditure of public money in the  
32 amount of ~~five thousand dollars (\$5,000)~~thirty thousand dollars (\$30,000) or more, but  
33 less than the limits prescribed in G.S. 143-129, made by any officer, department, board,  
34 local school administrative unit, or commission of any county, city, town, or other  
35 subdivision of this State shall be made after informal bids have been secured. All such  
36 contracts shall be awarded to the lowest responsible, responsive bidder, taking into  
37 consideration quality, performance, and the time specified in the bids for the  
38 performance of the contract. It shall be the duty of any officer, department, board, local  
39 school administrative unit, or commission entering into such contract to keep a record of  
40 all bids submitted, and such record shall not be subject to public inspection until the  
41 contract has been awarded.

42 ...."

43 **SECTION 3.** G.S. 160A-266 reads as rewritten:

44 "**§ 160A-266. Methods of sale; limitation.**

1 ...

2 (c) A city council may adopt regulations prescribing procedures for disposing of  
3 personal property valued at less than ~~five thousand dollars (\$5,000)~~thirty thousand  
4 dollars (\$30,000) for any one item or group of items in substitution for the requirements  
5 of this Article. The regulations shall be designed to secure for the city fair market value  
6 for all property disposed of and to accomplish the disposal efficiently and economically.  
7 The regulations may, but need not, require published notice, and may provide for either  
8 public or private exchanges and sales. The council may authorize one or more city  
9 officials to declare surplus any personal property valued at less than ~~five thousand~~  
10 ~~dollars (\$5,000)~~thirty thousand dollars (\$30,000) for any one item or group of items, to  
11 set its fair market value, and to convey title to the property for the city in accord with  
12 the regulations. A city official authorized under this section to dispose of property shall  
13 keep a record of all property sold under this section and that record shall generally  
14 describe the property sold or exchanged, to whom it was sold, or with whom exchanged,  
15 and the amount of money or other consideration received for each sale or exchange."

16 **SECTION 4.** G.S. 160A-270 reads as rewritten:

17 "**§ 160A-270. Public auction.**

18 ...

19 (c) The council may conduct auctions of real or personal property electronically  
20 by authorizing the establishment of an electronic auction procedure or by authorizing  
21 the use of existing private or public electronic auction services. Notice of an electronic  
22 auction of property shall identify, in addition to the information required in subsections  
23 (a) and (b) of this section, the electronic address where information about the property  
24 to be sold can be found and the electronic address where electronic bids may be posted.  
25 Notice may be published in a newspaper having general circulation in the political  
26 subdivision or by electronic means, or both. A decision to publish notice solely by  
27 electronic means for a particular contract or for all contracts under this subsection shall  
28 be approved by the governing board of the political subdivision. Except as provided in  
29 this subsection, all ~~All~~ requirements of subsections (a) and (b) of this section apply to  
30 electronic auctions."

31 **SECTION 5.** This act is effective when it becomes law.