

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 558

Short Title: Exempt Zoo from Procurement Process. (Public)

Sponsors: Senators Brunstetter; Apodaca, Atwater, Berger of Rockingham, Bingham, Blake, Brock, Dorsett, East, Foriest, Forrester, Garrou, Goss, Hagan, Hartsell, Malone, and Tillman.

Referred to: Commerce, Small Business and Entrepreneurship.

March 7, 2007

A BILL TO BE ENTITLED

1 AN ACT TO EXEMPT THE PURCHASE OF SUPPLIES, MATERIALS, AND
2 EQUIPMENT BY THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE
3 PURCHASE AND CONTRACT REQUIREMENTS OF ARTICLE 3 OF
4 CHAPTER 143 OF THE GENERAL STATUTES, AND TO REQUIRE THE
5 NORTH CAROLINA ZOOLOGICAL PARK COUNCIL TO ESTABLISH
6 POLICIES AND REGULATIONS GOVERNING THE PURCHASE AND
7 CONTRACT REQUIREMENTS APPLICABLE TO THE NORTH CAROLINA
8 ZOOLOGICAL PARK.
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10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 143-56 reads as rewritten:

12 "**§ 143-56. Certain purchases excepted from provisions of Article.**

13 (a) Unless as may otherwise be ordered by the Secretary of Administration, the
14 purchase of supplies, materials and equipment through the Secretary of Administration
15 shall be mandatory in the following cases:

16 (1) Published books, manuscripts, maps, pamphlets and periodicals.

17 (2) Perishable articles such as fresh vegetables, fresh fish, fresh meat,
18 eggs, and others as may be classified by the Secretary of
19 Administration.

20 (b) Purchase through the Secretary of Administration shall not be mandatory for
21 information technology purchased in accordance with Article 3D of Chapter 147 of the
22 General Statutes, for a purchase of supplies, materials or equipment for the General
23 Assembly if the total expenditures is less than the expenditure benchmark established
24 under the provisions of G.S. 143-53.1, for group purchases made by hospitals through a
25 competitive bidding purchasing program, as defined in G.S. 143-129, by the University
26 of North Carolina Health Care System pursuant to G.S. 116-37(h), by the University of
27 North Carolina Hospitals at Chapel Hill pursuant to G.S. 116-37(a)(4), by the

1 University of North Carolina at Chapel Hill on behalf of the clinical patient care
2 programs of the School of Medicine of the University of North Carolina at Chapel Hill
3 pursuant to G.S. 116-37(a)(4), ~~or~~ by East Carolina University on behalf of the Medical
4 Faculty Practice Plan pursuant to ~~G.S. 116-40.6(e)~~. G.S. 116-40.6(c), or by the North
5 Carolina Zoological Park pursuant to G.S. 143B-335.

6 (c) All purchases of the above articles made directly by the departments,
7 institutions and agencies of the State government shall, whenever possible, be based on
8 competitive bids. Whenever an order is placed or contract awarded for such articles by
9 any of the departments, institutions and agencies of the State government, a copy of
10 such order or contract shall be forwarded to the Secretary of Administration and a
11 record of the competitive bids upon which it was based shall be retained for inspection
12 and review."

13 **SECTION 2.** G.S. 143B-335 is amended by adding a new subdivision to
14 read:

15 "(8) Notwithstanding the provisions of Articles 3, 3A, and 3C of Chapter
16 143 of the General Statutes, to establish, with the approval of the
17 Secretary of Environment and Natural Resources, policies and
18 regulations that govern the purchase and contract requirements of the
19 North Carolina Zoological Park. These policies and regulations shall
20 provide for requests for proposals, competitive bidding, or purchasing
21 by means other than competitive bidding, contract negotiations, and
22 contract awards for purchasing supplies, materials, equipment, and
23 services that are necessary and appropriate to fulfill the mission of the
24 North Carolina Zoological Park. The Council shall submit all policies
25 and regulations and changes to policies and regulations adopted
26 pursuant to this subdivision to the Division of Purchase and Contract
27 of the Department of Administration for review and comment. Any
28 comments by the Division of Purchase and Contract shall be submitted
29 to the Chairman of the Council and to the Secretary of Environment
30 and Natural Resources."

31 **SECTION 3.** Section 1 of this act becomes effective 1 January 2008. The
32 remainder of this act is effective when it becomes law.