

## Article 3C.

### Contracts to Obtain Consultant Services.

#### **§ 143-64.20. "Agency" defined; Governor's approval required.**

(a) For purposes of this Article the term "agency" shall mean every State agency, institution, board, commission, bureau, department, division, council, member of the Council of State, or officer of the State government.

(b) No State agency shall contract to obtain services of a consultant or advisory nature unless the proposed contract has been justified to and approved in writing by the Governor of North Carolina. All written approvals shall be maintained on file as part of the agency's records for not less than five years. (1975, c. 887, s. 1.)

#### **§ 143-64.21. Findings to be made by Governor.**

The Governor, before granting written approval of any such contract, must find:

- (1) That the contract is reasonably necessary to the proper function of such State agency; and
- (2) That such services or advice cannot be performed within the resources of such State agency;
- (3) That the estimated cost is reasonable as compared with the likely benefits or results; and
- (4) That the General Assembly has appropriated funds for such contract or that such funds are otherwise available; and
- (5) That all rules and regulations of the Department of Administration have been or will be complied with. (1975, c. 879, s. 46; c. 887, s. 2.)

#### **§ 143-64.22. Contracts with other State agencies; competitive proposals.**

The rules of the Department of Administration shall include provisions to assure that all consultant contracts let by State agencies shall be made with other agencies of the State of North Carolina, if such contract can reasonably be performed by them; or otherwise, that wherever practicable a sufficient number of sources for the performance of such contract are solicited for competitive proposals and that such proposals are properly evaluated for award to the State's best advantage. (1975, c. 879, s. 46; c. 887, s. 3; 1987, c. 827, s. 217.)

#### **§ 143-64.23. Compliance required; penalty for violation of Article.**

No disbursement of State funds shall be made and no such contract shall be binding until the provisions of G.S. 143-64.21 and 143-64.22 have been complied with. Any employee or official of the State of North Carolina who violates this Article shall be liable to repay any amount expended in violation of this Article, plus court costs. (1975, c. 887, s. 4.)

#### **§ 143-64.24. Applicability of Article.**

This Article shall not apply to the following agencies:

- (1) The General Assembly.
- (2) Special study commissions.
- (3) The Research Triangle Institute.
- (4) The School of Government at the University of North Carolina at Chapel Hill.
- (5) Attorneys employed by the North Carolina Department of Justice.
- (6) Physicians or doctors performing contractual services for any State agency.

- (7) Independent Review Organizations selected by the Commissioner of Insurance pursuant to G.S. 58-50-85.
- (8) The University of North Carolina. The Board of Governors of the University of North Carolina must adopt policies and procedures governing contracts to obtain the services of a consultant by the constituent institutions of the University of North Carolina.
- (9) The North Carolina State Ports Authority. The North Carolina State Ports Authority may only contract to obtain the services of a consultant after the proposed contract is approved by the Board of the North Carolina State Ports Authority. (1975, c. 887, s. 5; 1977, c. 802, s. 50.57; 2001-446, s. 4.6A; 2006-95, s. 2.1; 2006-264, s. 29(l); 2021-180, s. 41.53.)

**§§ 143-64.25 through 143-64.30. Reserved for future codification purposes.**