

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 1999-400  
SENATE BILL 968

AN ACT TO AMEND THE LAW REGARDING THE WAIVER OF COMPETITIVE  
BIDDING AND TO REQUIRE BID PROTESTS INVOLVING CONTRACTS  
OVER A CERTAIN AMOUNT TO BE HANDLED BY THE DEPARTMENT OF  
ADMINISTRATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-53(a)(1) reads as rewritten:

"(1) Prescribing the routine and procedures to be followed in canvassing bids and awarding contracts, and for reviewing decisions made pursuant thereto, and the decision of the reviewing body shall be the final administrative review. The Division of Purchase and Contract shall review and decide a protest on a contract valued at twenty-five thousand dollars (\$25,000) or more. The Secretary shall adopt rules or criteria governing the review of and decision on a protest on a contract of less than twenty-five thousand dollars (\$25,000) by the agency that awarded the contract."

Section 2. G.S. 143-53(a)(5) reads as rewritten:

"(5) Prescribing conditions under which purchases and contracts for the purchase, rental or lease of equipment, materials, supplies or services may be entered into by means other than competitive bidding. Notwithstanding the provisions of subsections (a) and (b) of this section, any waiver of competition for the purchase, rental, or lease of equipment, materials, supplies, or services is subject to prior review by the Secretary, if the expenditure exceeds ten thousand dollars (\$10,000). The Division may levy a fee, not to exceed one dollar (\$1.00), for review of each waiver application."

Section 3. G.S. 143-57 reads as rewritten:

**"§ 143-57. Purchases of articles in certain emergencies.**

In case of any emergency or pressing need arising from unforeseen causes including but not limited to delay by contractors, delay in transportation, breakdown in machinery, or unanticipated volume of work, the Secretary of Administration shall have power to obtain or authorize obtaining in the open market any necessary supplies, materials, equipment, printing or services for immediate delivery to any department, institution or agency of the State government. A report on the circumstances of such emergency or need and the transactions thereunder shall be made a matter of record

promptly thereafter. If the expenditure exceeds ten thousand dollars (\$10,000), the report shall also be made promptly thereafter to the Division of Purchase and Contract."

Section 3.1. This act does not apply to an agency, board, department, institution, or commission that is exempt from Article 3 of Chapter 143 of the General Statutes or from the provisions of that Article that require certain contracts to be awarded by the Department of Administration.

Section 4. This act becomes effective September 1, 1999. Section 1 applies to bid protests filed on or after that date. Sections 2 and 3 of this act apply to contracts awarded on or after that date.

In the General Assembly read three times and ratified this the 20th day of July, 1999.

s/ Dennis A. Wicker  
President of the Senate

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

s/ James B. Hunt, Jr.  
Governor

Approved 9:25 p.m. this 5th day of August, 1999