

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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PRINCIPAL CLERK

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SENATE DRS45266-MM-38A (02/11)

Short Title: No Revolving Door Employment.

(Public)

Sponsors: Senator Tarte (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE STATE FROM CONTRACTING WITH CONTRACTORS
3 WHO UTILIZE FORMER STATE EMPLOYEES IN THE ADMINISTRATION OF
4 STATE CONTRACTS WITHIN ONE YEAR AFTER A STATE EMPLOYEE HAS
5 TERMINATED EMPLOYMENT WITH THE STATE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 3 of Chapter 143 of the General Statutes is amended by
8 adding a new section to read:

9 "**§ 143-59.5. Contracts with vendors that hire former State employees.**

10 (a) Ineligible Vendors. – The Secretary of Administration and other entities to which
11 this Article applies shall not contract for goods or services with a vendor that employs or
12 contracts with a person who is a former State employee and uses that person in the
13 administration of a contract with the State.

14 (b) Vendor Certification. – The Secretary of Administration shall require each vendor
15 submitting a bid or contract to certify that the vendor will not use a former State employee in
16 the administration of a contract with the State in violation of the provisions of subsection (a) of
17 this section.

18 (c) Mutual Waiver. – Subsection (a) of this section shall not apply if the Secretary of
19 Administration or the contracting entity to which this Article applies and the vendor agree in
20 writing.

21 (d) Penalty. – A violation of the provisions of this section shall void the contract.

22 (e) Definitions. – As used in this section, the following terms mean:

23 (1) Administration of a contract. – Oversight of the performance of a contract,
24 authority to make decisions regarding a contract, interpretation of a contract,
25 or participation in the development of specifications or terms of a contract or
26 in the preparation or award of a contract.

27 (2) Former State employee. – A person who, for any period within the preceding
28 12 months, was employed as an employee or contract employee of the State
29 by the State agency for which the contract applies, who in the 12 months
30 immediately preceding termination of State employment, participated
31 personally in either the award or management of a State contract with the
32 vendor, or made regulatory or licensing decisions that directly applied to the
33 vendor."

34 **SECTION 2.** This act becomes effective October 1, 2015, and applies to contracts
35 entered into on or after that date.



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