

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 975  
Committee Substitute Favorable 4/29/03

Short Title: UNC Purchasing Flexibility.

(Public)

Sponsors:

Referred to:

April 9, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE PURCHASING FLEXIBILITY FOR THE UNIVERSITY OF  
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 116-13 reads as rewritten:

**"§ 116-13. Powers of Board regarding ~~property~~ property and services subject to  
general law.**

(a) The power and authority granted to the Board of Governors with regard to the  
acquisition, operation, maintenance and disposition of real and personal property and  
services shall be subject to, and exercised in accordance with, the provisions of  
Chapters 143 and 146 of the General ~~Statutes.~~ Statutes and related sections of the North  
Carolina Administrative Code, except when a purchase is being made that is not  
covered by a State term contract and either:

(1) The funds used to procure personal property or services are not  
moneys appropriated from the General Fund or received as tuition or,  
in the case of multiple fund sources, moneys appropriated from the  
General Fund or received as tuition do not exceed thirty percent (30%)  
of the total funds; or

(2) The funds used to procure personal property or services are contract  
and grant funds or, in the case of multiple fund sources, the contract  
and grant funds exceed fifty percent (50%) of the total funds.

When a special responsibility constituent institution makes a purchase under  
subdivision (1) or (2) of this subsection, the requirements of Chapter 143, Article 3 shall  
apply, except the approval or oversight of the Secretary of Administration, the State  
Purchasing Officer, or the Board of Awards shall not be required, regardless of dollar  
value.

(b) Special responsibility constituent institutions shall have the authority to  
purchase equipment, materials, supplies, and services from sources other than those

1 certified by the Secretary of Administration on term contracts, subject to the following  
2 conditions:

3       (1) The purchase price, including the cost of delivery, is less than the cost  
4       under the State term contract;

5       (2) The items are the same or substantially similar in quality, service, and  
6       performance as items available under State term contracts;

7       (3) The cost of the purchase shall not exceed the benchmark established  
8       under G.S. 116-31.10; and

9       (4) The special responsibility constituent institution notifies the  
10       Department of Administration of purchases consistently being made  
11       under this provision so that State term contracts may be improved."

12       **SECTION 2.** This act becomes effective July 1, 2003.