

March 5, 2009

**H 490. PURCHASING PROCESS FOR COMMUNITY COLLEGES (=S 419).** Filed 3/5/09. *TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES AND TO DIRECT THE STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE NEED FOR FURTHER PURCHASING FLEXIBILITY.* Identical to S 419, filed 3/4/09.

**Intro. by Tolson.**

GS 115D

May 7, 2009

**H 490. PURCHASING PROCESS FOR COMMUNITY COLLEGES.** Filed 3/5/09. House committee substitute makes the following changes to 1st edition. Changes title to *AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES*. Amends GS 115D-58.14 to add a new subsection (a1), which provides that a community college may purchase in any lawful manner an item that is neither available under state term contracts nor substantially similar to an item available under state term contracts. Amends GS 115D-58.14(b) to clarify that the State Board of Community Colleges (Board) and the Department of Administration (DOA) is required to jointly adopt policies and procedures for monitoring the implementation of GS 115D-58.14, including (1) definitions of *substantial similarity*, (2) the content and frequency of reports and audits of purchases not made through state term contracts, and (3) a process for identifying any term contract existing as of October 1, 2009, with respect to which a community college's exercise of purchasing flexibility could constitute a breach of that contract. Further amends GS 115D-58.14(b) to require DOA, in the formation of each new term contract entered into after October 1, 2009, to either provide for the exercise of purchasing flexibility by community colleges or make the term contract inapplicable to community colleges. Codifies Section 2 of the 1st edition in a new GS 115D-58.14, which requires the Board, in consultation with DOA, to review the purchasing process for community colleges, and allows the Board to increase or decrease the purchasing/delegation benchmark for each community college based on the college's overall capabilities. GS 115D-58.14(c) also provides that the Board may reduce a community college's purchasing/delegation benchmark at any time, but may not increase a community college's purchasing/delegation benchmark by more than 15% in any calendar year without the concurrence of DOA within 60 days of submission. GS 115D-58.14(c) also sets the maximum purchasing/delegation benchmark for a community college at \$100,000. Deletes that the Board must report to the Joint Legislative Education Oversight Committee by March 30, 2010. Effective October 1, 2009 (was, effective when the act became law).

June 22, 2009

**SL 2009-132 (H 490). PURCHASING PROCESS FOR COMMUNITY COLLEGES. AN ACT TO GRANT ADDITIONAL PURCHASING FLEXIBILITY TO COMMUNITY COLLEGES.** Summarized in *Daily Bulletin* 3/5/09 and 5/7/09. Enacted June 19, 2009. Effective October 1, 2009.