

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 56*
PROPOSED COMMITTEE SUBSTITUTE H56-PCS70061-RK-4

Short Title: Amend State Contract Review Laws.

(Public)

Sponsors:

Referred to:

February 5, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE
3 DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF
4 ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND
5 REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND
6 REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR
7 CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY
8 THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 114-8.3 reads as rewritten:

11 "§ 114-8.3. Attorney ~~General~~General/General Counsel; ~~to review certain contracts.~~

12 (a) Except as provided in subsection (b) of this section, the Attorney General or the
13 Attorney General's designee shall perform the duties required pursuant to G.S. 143-49(3a) for
14 review all proposed contracts for supplies, materials, printing, equipment, and contractual
15 services that exceed one five million dollars (\$1,000,000) (\$5,000,000). The designee shall
16 confirm to ensure that the proposed contracts are (i) in proper legal form, (ii) contain all clauses
17 required by law, (iii) are legally enforceable, and (iv) accomplish the intended purposes of the
18 proposed contract. The ~~term "review" as used in this section~~ designee's review shall not
19 constitute approval or disapproval of the policy merit or lack thereof of the proposed contract.
20 For purposes of this subsection, the term "Attorney General's designee" shall include any
21 attorney approved by the Attorney General to review contracts as provided in this subsection.

22 The Attorney ~~General~~General shall:

23 (1) Establish ~~establish~~ procedures regarding the review of contracts subject to
24 this section and shall provide any attorney designated under G.S. 143-49(3a)
25 with guidelines to be used in reviewing contracts. shall require that any
26 attorney designated under this subsection comply with any rules established
27 by the Attorney General or the Department of Administration regarding the
28 review of contracts.

29 (2) Advise and assist the Contract Management Section of the Division of
30 Purchase and Contract, Department of Administration, in establishing
31 procedures and guidelines for the review of contracts pursuant to
32 G.S. 143-50.1.

33 (b) For the constituent institutions of The University of North Carolina, the General
34 Counsel of each institution or the General Counsel's designee shall review all proposed
35 contracts for supplies, materials, printing, equipment, and contractual services that exceed one



1 million dollars (\$1,000,000) to ensure that the proposed contracts are (i) in proper legal form,
2 (ii) contain all clauses required by law, (iii) are legally enforceable, and (iv) accomplish the
3 intended purposes of the proposed contract. The term "review" as used in this section shall not
4 constitute approval or disapproval of the policy merit or lack thereof of the proposed contract.
5 For purposes of this subsection, the term "General Counsel's designee" shall include any
6 attorney approved by the General Counsel to review contracts as provided in this subsection.
7 The General Counsel shall establish procedures regarding the review of contracts subject to this
8 section and shall require that any attorney designated under this subsection comply with any
9 ~~rules-procedures~~ established by the Attorney General or the Department of Administration
10 regarding the review of contracts.

11 (c) All State agencies, the constituent institutions of The University of North Carolina,
12 or any person who will be entering into a contract on behalf of the State for supplies, materials,
13 printing, equipment, or contractual services that exceeds one million dollars (\$1,000,000) shall
14 notify the Secretary of the Department of Administration or the Secretary's designee of the
15 intent to enter into the contract and provide such information as required by the Department for
16 the purposes of maintaining a centralized log of such contracts and identifying the location of
17 the contract documents.

18 (d) Nothing in this section that requires an attorney designated by the Attorney General
19 to review proposed contracts for the matters described in subsection (a) of this section shall be
20 construed to limit the authority of the State Treasurer, pursuant to G.S. 147-69.3(g), to retain
21 the services of attorneys for the proper administration of investment programs."

22 **SECTION 2.** G.S. 143-49 reads as rewritten:

23 **"§ 143-49. Powers and duties of Secretary.**

24 The Secretary of Administration shall have power and authority, and it shall be ~~his~~ the
25 Secretary's duty, subject to the provisions of this Article:

26 ...
27 (3a) ~~To request, notify and~~ the Attorney General of pending contracts for
28 contractual services exceeding a cost of five million dollars (\$5,000,000).
29 Upon notification, the Attorney General shall assign a representative of ~~from~~
30 within the office of the Attorney General, the Contract Management Section
31 of the Division of Purchase and Contract, Department of Administration, or
32 other qualified counsel to assist in negotiation for the award of ~~any~~ the
33 contract. ~~contract for contractual services exceeding a cost of one hundred~~
34 ~~thousand dollars (\$100,000) that requires negotiation with prospective~~
35 ~~contractors.~~ It shall be the duty of such representative to assist and advise in
36 obtaining the most favorable contract for the State, to evaluate all proposals
37 available from prospective contractors for that purpose, to interpret proposed
38 contract terms and to advise the Secretary or his representatives of the
39 liabilities of the State and validity of the contract to be awarded. All
40 contracts and drafts of such contracts shall be ~~prepared~~ reviewed by an
41 attorney from within the office of the Attorney General and copies thereof
42 shall be retained by such office for a period of three years following the
43 termination of such contracts. The term "contractual services" as used in this
44 subsection and G.S. 143-52.2 shall mean work performed by an independent
45 contractor requiring specialized knowledge, experience, expertise or similar
46 capabilities wherein the service rendered does not consist primarily of
47 acquisition by this State of equipment or materials and the rental of
48 equipment, materials and supplies. ~~The term "negotiation" as used in this~~
49 This subdivision shall not apply be deemed to refer to contracts entered into
50 or to be entered into as a result of a competitive bidding process. In order to
51 be valid, any contract for services reviewed pursuant to this subdivision must

1 include the signature and title of the attorney designated from within the
2 office of the Attorney General to review the contract.

3 (3b) The following exceptions apply to the requirements in subdivision (3a) of
4 this section:

5 a. The Secretary is not required to notify the Attorney General for the
6 appointment of a representative for any contracts for contractual
7 services to be entered into by the constituent institutions of The
8 University of North Carolina unless requested to do so by the
9 General Counsel of The University of North Carolina.

10 b. For proposed Treasurer investment contracts and debt contracts
11 which exceed, in aggregate over the term of the contract, five million
12 dollars (\$5,000,000), the Department of State Treasurer may request
13 that the Attorney General approve the employment of outside
14 counsel to represent the Department. The Attorney General's Office
15 may employ outside counsel, with the designation of counsel to be
16 approved by the State Treasurer. For the purposes of this
17 sub-subdivision, proposed Treasurer "investment contracts and debt
18 contracts" means any of the following:

19 1. Investments to be acquired, held, or sold, directly or
20 indirectly, by or for the State Treasurer, the Department of
21 State Treasurer, or an investment entity created by the
22 Department of State Treasurer, either on its own behalf or on
23 behalf of another beneficial owner.

24 2. Investments administered by the North Carolina
25 Supplemental Retirement Board of Trustees.

26 3. Debt issued or to be issued by the State of North Carolina
27 under the supervision of the State Treasurer, debt issued or to
28 be issued by the North Carolina Capital Facilities Finance
29 Agency, and debt and other matters of finance subject to the
30 approval or supervision of the Local Government
31 Commission, including, in each case, services required for
32 ongoing management and review of debt issues that have
33 previously been incurred or that are proposed to be incurred.

34"

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

37 **"§ 143.50.1. Division of Purchase and Contract; Contract Management Section.**

38 (a) The Contract Management Section (CMS) is established in the Division of Purchase
39 and Contract, Department of Administration. The CMS shall include legal counsel with the
40 duties and responsibilities included in this section.

41 (b) Unless otherwise provided in G.S. 114-8.3(b) or in this section, for all proposed
42 solicitations for supplies, materials, printing, equipment, or contractual services that exceed one
43 million dollars (\$1,000,000), the CMS shall:

44 (1) Participate and assist in the preparation of all proposed solicitations, and
45 review all available proposals from prospective contractors, with the goal of
46 obtaining the most favorable contract for the State.

47 (2) Interpret proposed contract terms and advise the Secretary or the Secretary's
48 designee of the potential liabilities to the State.

49 (3) Review all proposed contracts to ensure that the contracts:

50 a. Are in proper legal form.

51 b. Contain all clauses required by law.

1 c. Are legally enforceable.

2 d. Require performance that will accomplish the intended purposes of
3 the proposed contract.

4 The review and evaluation required by this subsection shall not constitute approval or
5 disapproval of the policy merit or lack thereof of the proposed contract.

6 (c) With respect to proposed contracts for services which exceed five million dollars
7 (\$5,000,000), the CMS shall perform such duties as may be required under G.S. 143-49(3a).

8 (d) The CMS shall:

9 (1) Assist State departments, agencies, and institutions to establish formal
10 contract administration procedures and functions.

11 (2) Advise personnel in contracting specialist roles as to appropriate contract
12 management and administrative techniques and activities.

13 (3) Act as a general resource to State agencies on contracting issues related to
14 procurement, including contract drafting, clarification of terms and
15 conditions, proper solicitation and bid evaluation procedures, contract
16 negotiation, and such other matters as directed by the State Purchasing
17 Officer.

18 (4) Assist representatives of the Attorney General, agency counsel, and other
19 legal staff, as requested, in matters related to contracting for goods and
20 services.

21 (e) The Department of Administration shall adopt procedures for the record keeping of
22 the information provided by State agencies and which has been received by the Secretary or the
23 Secretary's designee pursuant to G.S. 114-8.3(c). The records shall be kept by the Department
24 and shall include a log with information that provides identification of individual contracts and
25 where the contract documents are located. The Secretary is authorized to require that entities
26 reporting pursuant to G.S. 114-8.39(c) provide such additional information that may be
27 required to identify the individual contracts.

28 (f) The CMS shall consist of personnel designated by the Secretary and perform such
29 other functions as directed by the Secretary that are not inconsistent with this section."

30 **SECTION 4.** G.S. 143-52.1 reads as rewritten:

31 "**§ 143-52.1. Board of Awards. Award recommendations; State Purchasing Officer action.**

32 (a) When the dollar value of a contract to be awarded under Article 3 of Chapter 143 of
33 the General Statutes exceeds the benchmark established pursuant to G.S. 143-53.1, an award
34 recommendation shall be submitted to the State Purchasing Officer for approval or other action.
35 The agency or institution making the recommendation, or for which the purchase is to be made,
36 shall be notified promptly of the State Purchasing Officer's action. There is created the Board of
37 Awards. The Board shall consist of three members at a time, appointed by the Chair of the
38 Commission. Members of the Board shall be appointed on a rotating basis from the
39 membership of the Commission and the Council of State. Two out of three members appointed
40 for each meeting of the Board shall constitute a quorum of the Board.

41 (b) The Board shall meet weekly as called by the Chair of the Commission, except in
42 weeks when no contracts have been submitted to the Board for review.

43 (c) ~~When the dollar value of a contract exceeds the benchmark established either~~
44 ~~pursuant to G.S. 143-53.1 or G.S. 147-33.101, the Board shall review and make a~~
45 ~~recommendation on action to be taken by the Secretary of Administration on contracts to be~~
46 ~~awarded under Article 3 of Chapter 143 of the General Statutes and on contracts to be awarded~~
47 ~~by the Chief Information Officer under Article 3D of Chapter 147 of the General Statutes, prior~~
48 ~~to the awarding of the contract.~~

49 (d) ~~The State Budget Officer shall designate a secretary for the Board. The Secretary of~~
50 ~~Administration and the State Chief Information Officer shall each submit their matters for~~
51 ~~consideration to the secretary for inclusion on the Board's agenda. Records shall be kept of each~~

1 meeting and made public by the Secretary of Administration or State Chief Information
2 Officer, as applicable unless the Secretary of Administration or State Chief Information
3 Officer, as applicable, determines a specific record of the meeting needs to be confidential due
4 to the nature of the contract. The Secretary of Administration or State Chief Information
5 Officer, as applicable, may elect to proceed with the award of a contract without a
6 recommendation of the Board in cases of emergencies or in the event that a Board is not
7 available. In those cases, contracts awarded without Board review shall be reported to the next
8 meeting of the Board as a matter of record.

9 (e) ~~Reports on recommendations made by the Board on matters presented by the State~~
10 ~~Chief Information Officer to the Board~~ A report of all contract awards greater than twenty-five
11 thousand dollars (\$25,000) approved through the Division of Purchase and Contract shall be
12 reported monthly by the Board State Procurement Officer to the chairs of the Joint Legislative
13 Oversight Committee on Information Technology. Cochairs of the Joint Legislative Committee
14 on Governmental Operations. The report shall include the amount of the award, the award
15 recipient, the using agency, and a short description of the nature of the award."

16 **SECTION 5.** G.S. 147-33.101 reads as rewritten:

17 "**§ 147-33.101. Board of Awards review. Award recommendation; State Chief Information**
18 **Officer action.**

19 (a) When the dollar value of a contract for the procurement of information technology
20 equipment, materials, and supplies exceeds the benchmark established by the State Chief
21 Information Officer, an award recommendation shall be submitted to the State Chief
22 Information Officer for approval or other action. The agency or institution making the
23 recommendation, or for which the purchase is to be made, shall be notified promptly of the
24 State Chief Information Officer's action. the contract shall be reviewed by the Board of Awards
25 pursuant to G.S. 143-52.1 prior to the contract being awarded.

26 (b) Prior to submission of any contract for review ~~by the Board of Awards~~ pursuant to
27 this section for any contract for information technology being acquired for the benefit of the
28 Office and not on behalf of any other State agency, the Director of the Budget shall review and
29 approve the procurement to ensure compliance with the established processes, specifications,
30 and standards applicable to all information technology purchased, licensed, or leased in State
31 government, including established procurement processes, and compliance with the State
32 government wide technical architecture as established by the State CIO.

33 (c) A report of all contract awards greater than twenty-five thousand dollars (\$25,000),
34 approved through the Statewide IT Procurement Office, shall be reported monthly by the State
35 CIO's to the Cochairs of the Joint Legislative Oversight Committee on Information
36 Technology. The report shall include the amount of the award, the award recipient, the using
37 agency, and a short description of the nature of the award."

38 **SECTION 6.** G.S. 116-13(a) reads as rewritten:

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

- 44 (1) The funds used to procure personal property or services are not moneys
45 appropriated from the General Fund or received as tuition or, in the case of
46 multiple fund sources, moneys appropriated from the General Fund or
47 received as tuition do not exceed thirty percent (30%) of the total funds; or
48 (2) The funds used to procure personal property or services are contract and
49 grant funds or, in the case of multiple fund sources, the contract and grant
50 funds exceed fifty percent (50%) of the total funds.

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

6 **SECTION 7.** G.S. 120-36.6 reads as rewritten:

7 "**§ 120-36.6. Legislative Fiscal Research staff participation.**

8 The Legislative Services Officer shall designate a member of the Fiscal Research staff, and
9 a member of the General Research or Bill Drafting staff who may attend all meetings of the
10 ~~Board of Awards and Council of State~~, unless the ~~Board or Council~~ has voted to exclude them
11 from the specific meeting, provided that no final action may be taken while they are so
12 excluded. The Legislative Services Officer and the Director of Fiscal Research shall be notified
13 of all such meetings, hearings and trips in the same manner and at the same time as notice is
14 given to members of the ~~Board or Council~~. The Legislative Services Officer and the Director of
15 Fiscal Research shall be provided with a copy of all reports, memoranda, and other
16 informational material which are distributed to the members of the ~~Board or Council~~; these
17 reports, memoranda and materials shall be delivered to the Legislative Services Officer and the
18 Director of Fiscal Research at the same time that they are distributed to the members of the
19 ~~Board or Council~~."

20 **SECTION 8.** G.S. 143-52(a) reads as rewritten:

21 "(a) The Secretary of Administration shall compile and consolidate all such estimates of
22 goods and services needed and required by State departments, institutions and agencies to
23 determine the total requirements of any given commodity. Where such total requirements will
24 involve an expenditure in excess of the expenditure benchmark established under the provisions
25 of G.S. 143-53.1 and where the competitive bidding procedure is employed as hereinafter
26 provided, sealed bids shall be solicited by advertisement in a newspaper widely distributed in
27 this State or through electronic means, or both, as determined by the Secretary to be most
28 advantageous, at least once and at least 10 days prior to the date designated for opening. Except
29 as otherwise provided under this Article, contracts for the purchase of goods and services shall
30 be based on competitive bids and suitable means authorized by the Secretary as provided in
31 G.S. 143-49. The acceptance of bid(s) most advantageous to the State shall be determined upon
32 consideration of the following criteria: prices offered; best value, as the term is defined in
33 G.S. 143-135.9(a)(1); the quality of the articles offered; the general reputation and performance
34 capabilities of the bidders; the substantial conformity with the specifications and other
35 conditions set forth in the request for bids; the suitability of the articles for the intended use; the
36 personal or related services needed; the transportation charges; the date or dates of delivery and
37 performance; and such other factor(s) deemed pertinent or peculiar to the purchase in question,
38 which if controlling shall be made a matter of record. Competitive bids on such contracts shall
39 be received in accordance with rules and regulations to be adopted by the Secretary of
40 Administration, which rules and regulations shall prescribe for the manner, time and place for
41 proper advertisement for such bids, the time and place when bids will be received, the articles
42 for which such bids are to be submitted and the specifications prescribed for such articles, the
43 number of the articles desired or the duration of the proposed contract, and the amount, if any,
44 of bonds or certified checks to accompany the bids. Bids shall be publicly opened. Any and all
45 bids received may be rejected. Each and every bid conforming to the terms of the invitation,
46 together with the name of the bidder, shall be tabulated and that tabulation shall become public
47 record in accordance with the rules adopted by the Secretary. All contract information shall be
48 made a matter of public record after the award of contract. Provided, that trade secrets, test data
49 and similar proprietary information may remain confidential. A bond for the faithful
50 performance of any contract may be required of the successful bidder at bidder's expense and in
51 the discretion of the Secretary of Administration. When the dollar value of a contract for the

1 purchase, lease, or lease/purchase of goods exceeds the benchmark established by
2 G.S. 143-53.1, the contract shall be reviewed by the ~~Board of Awards~~ State Purchasing Officer
3 pursuant to G.S. 143-52.1 prior to the contract being awarded. After contracts have been
4 awarded, the Secretary of Administration shall certify to the departments, institutions and
5 agencies of the State government the sources of supply and the contract price of the goods so
6 contracted for."

7 **SECTION 9.** G.S. 143-59(b) reads as rewritten:

8 "(b) Reciprocal Preference. – For the purpose only of determining the low bidder on all
9 contracts for equipment, materials, supplies, and services valued over twenty-five thousand
10 dollars (\$25,000), a percent of increase shall be added to a bid of a nonresident bidder that is
11 equal to the percent of increase, if any, that the state in which the bidder is a resident adds to
12 bids from bidders who do not reside in that state. Any amount due under a contract awarded to
13 a nonresident bidder shall not be increased by the amount of the increase added by this
14 subsection. On or before January 1 of each year, the Secretary of Administration shall
15 electronically publish a list of states that give preference to in-State bidders and the amount of
16 the percent increase added to out-of-state bids. All departments, institutions, and agencies of
17 the State shall use this list when evaluating bids. If the reciprocal preference causes the
18 nonresident bidder to no longer be the lowest bidder, the Secretary of Administration ~~may, after~~
19 ~~consultation with the Board of Awards,~~ may waive the reciprocal preference. In determining
20 whether to waive the reciprocal preference, the Secretary of Administration ~~and the Board of~~
21 ~~Awards~~ shall consider factors that include competition, price, product origination, and available
22 resources."

23 **SECTION 10.** G.S. 143-318.18(10) is repealed.

24 **SECTION 11.** The Department of Administration shall provide an individualized
25 notice to the following State entities to ensure that the entities are aware of how the statutory
26 amendments made in S.L. 2010-194, Section 15 of S.L. 2011-326, and this act apply to them:

- 27 (1) The North Carolina State Lottery Commission, which is subject to
28 G.S. 18C-150.
- 29 (2) The Commissioner of Banks, who is subject to
30 G.S. 53-320(d), 53-326(d), 53-391, and 53-401.
- 31 (3) The Commissioner of Insurance, who is subject to
32 G.S. 53-401, 58-33-30(e)(4) and (5), 58-33-125(e), 58-33-130(a),
33 and 58-71-40(d).
- 34 (4) The Global TransPark Authority, which is subject to G.S. 63A-24. The
35 Secretary of Transportation shall be copied on the notice sent to the Global
36 TransPark Authority.
- 37 (5) The North Carolina State Bar Council, which is subject to G.S. 84-23(d).
- 38 (6) The North Carolina Board for Licensing of Geologists, which is subject to
39 G.S. 89E-5(e).
- 40 (7) The North Carolina Board for Licensing of Soil Scientists, which is subject
41 to G.S. 89F-5(d).
- 42 (8) The constituent institutions of the University of North Carolina, which are
43 subject to G.S. 114-8.3(b). For notification under this subdivision, the
44 Department of Administration may provide the University of North Carolina
45 system a notification to distribute to all of its constituent institutions. If the
46 Department of Administration does so, the University of North Carolina
47 system shall distribute those notifications to the system's constituent
48 institutions.
- 49 (9) The North Carolina Center for Applied Textile Technology, which is subject
50 to G.S. 115D-67.4.

- 1 (10) The North Carolina State Health Plan for Teachers and State Employees,
2 which is subject to G.S. 135-48.33(b).
- 3 (11) The Department of Transportation, which is subject to G.S. 136-28.1(h) and
4 G.S. 143-134(b).
- 5 (12) The North Carolina Turnpike Authority, which is subject to
6 G.S. 136-89.194(g)(1). The Secretary of Transportation shall be copied on
7 the notice sent to the Turnpike Authority.
- 8 (13) The Department of Health and Human Services, which is subject to
9 G.S. 143-48.1(c).
- 10 (14) The Division of Adult Correction of the Department of Public Safety, which
11 is subject to G.S. 143-134(b). The Secretary of Public Safety shall be copied
12 on the notice sent to the Division of Adult Correction.
- 13 (15) The North Carolina Code Officials Qualification Board, which is subject to
14 G.S. 143-151.16(d). The Commissioner of Insurance shall be copied on the
15 notice sent to the Code Officials Qualification Board.
- 16 (16) The Roanoke Island Commission, which is subject to
17 G.S. 143B-131.2(b)(15). The Secretary of Cultural Resources shall be
18 copied on the notice sent to the Roanoke Island Commission.
- 19 (17) Any other State entity subject to contract review under G.S. 114-8.3.

20 The Department of Administration, as part of its notice, shall provide a means by
21 which an entity may acknowledge receipt and understanding of the notice. If the Department of
22 Administration has not received an acknowledgement from a State entity within 30 days of
23 sending the notice, the Department of Administration shall send a second notice. If the
24 Department of Administration has not received an acknowledgement from a State entity within
25 30 days of sending the second notice, the Department of Administration shall notify (i) the
26 Joint Legislative Program Evaluation Oversight Committee and (ii) the House Appropriations
27 Subcommittee on General Government and the Senate Appropriations Committee on General
28 Government and Information Technology.

29 **SECTION 12.** The Attorney General's Office, the Department of Administration,
30 and the Office of the General Counsel for The University of North Carolina shall establish
31 procedures to implement the provisions of this act no later than June 30, 2013.

32 **SECTION 13.** G.S. 143-49 reads as rewritten:

33 **"§ 143-49. Powers and duties of Secretary.**

34 The Secretary of Administration shall have power and authority, and it shall be his duty,
35 subject to the provisions of this Article:

- 36 ...
- 37 (13) To ~~implement~~ implement, by January 1, 2014, a quality management system
38 equivalent to the International Organization for Standardization (ISO)
39 9001:2008 to ensure that citizen and agency customer requirements are met.
40 By ~~September 1, 2012,~~ June 1, 2013, and more frequently as requested, the
41 Secretary shall report to the Joint Legislative Commission on Governmental
42 Operations, the Program Evaluation Division, and the Fiscal Research
43 Division concerning the progress of the Department's effort to comply with
44 the provisions of this subdivision.
- 45 (14) To work in conjunction with the Office of State Personnel to create a
46 Contracting Specialist career path to provide for the ~~designation~~ designation,
47 by September 1, 2013, of one or more employees within each department,
48 agency, or institution of the State to serve as the Contracting Specialist for
49 the department, agency, or institution. Employees on the Contracting
50 Specialist career path shall receive training and guidance as to the provisions
51 of this Article.

1 (15) To work in conjunction with the Office of State Personnel, the Division of
2 Purchase and Contract, and the University of North Carolina School of
3 Government to ~~develop~~implement, by July 1, 2014, a rigorous contract
4 management training and certification program for State employees. The
5 program shall be administered by the Office of State Personnel.

6 (16) To work in conjunction with the University of North Carolina School of
7 Government to study and recommend improvements to State procurement
8 laws, including the feasibility of adopting the provisions of the American
9 Bar Association Model Procurement Code. The recommendations shall be
10 reported by the Secretary to the Joint Legislative Commission on
11 Governmental Operations and the Program Evaluation Division by
12 September 1, 2013.

13 (17) To establish procedures to permit State government, or any of its
14 departments, institutions, or agencies, to join with any federal, State, or local
15 government agency, entity, or subdivision, or any nonprofit organization in
16 cooperative purchasing plans, projects, arrangements, or agreements if the
17 interest of the State would be served thereby."

18 **SECTION 14.** Sections 1 through 3 of this act become effective October 1, 2013,
19 and apply to contracts entered into on or after that date. The remainder of this act is effective
20 when it becomes law.