

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**SENATE BILL 294
PROPOSED COMMITTEE SUBSTITUTE S294-PCS35200-BW-7**

Short Title: Fayetteville PWC/Small Business Enterprise.

(Local)

Sponsors:

Referred to:

March 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO
3 ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter VIA of the Charter of the City of Fayetteville, being Chapter
6 557 of the Session Laws of 1979, as amended by S.L. 2016-47, is amended by adding a new
7 section to read as follows:

8 "§ 6A.25. Small Business Enterprise. (a) The Commission may establish a race- and
9 gender-neutral small business enterprise program to promote the development of small
10 businesses in the Fayetteville Metropolitan Statistical Area and to enhance opportunities for
11 small businesses to participate in Commission contracts. The Commission may define the term
12 "small business enterprise" as appropriate and consistent with the Commission's contracting
13 practices. The Commission may establish bid and proposal specifications that include
14 subcontracting goals and good-faith effort requirements to enhance participation by small
15 business enterprises in Commission contracts. Notwithstanding the provisions of G.S. 143-129
16 and G.S. 143-131(b), the Commission may consider a bidder's efforts to comply with small
17 business enterprise program requirements in its award of Commission contracts and, if a bidder
18 is determined to have failed to comply with the requirements, the Commission may, within its
19 discretion, refuse to award a contract to the bidder.

20 (b) The small business enterprise program authorized by this section is intended to
21 supplement and not replace the requirements of G.S. 143-128.2, 143-131(b), or 143-135.5. Any
22 goals or efforts established to achieve veteran, minority, and women's business participation
23 consistent with the requirements of G.S. 143-128.2, 143-131(b), or 143-135.5 shall take
24 precedence over goals for small business enterprise participation established under the program
25 authorized by this section. A small business enterprise program established pursuant to this
26 section shall be deemed consistent with the public policy of the State of North Carolina to
27 promote and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2,
28 143-128.3, and 143-135.5."

29 **SECTION 2.** If any provision of this act or its application is held invalid, the
30 invalidity does not affect other provisions or applications of this act that can be given effect
31 without the invalid provisions or application, and to this end, the provisions of this act are
32 severable.

33 **SECTION 3.** This act is effective when it becomes law.

