

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 434**

Short Title: Durham/Small Business Enterprise. (Local)

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Sponsors: Representatives Luebke, Hall, Michaux, and Wilkins (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

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Referred to: Government, if favorable, Finance.

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March 24, 2011

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE  
2 THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM TO  
3 PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE CITY AND TO  
4 ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO PARTICIPATE IN  
5 CITY CONTRACTS.  
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 8 of Chapter VI of the Charter of the City of Durham, being  
9 Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to  
10 read as follows:

11 "Sec. 84.5. Small Business Enterprise Program. (a) The City may establish a race and  
12 gender neutral small business enterprise program to promote the development of small  
13 businesses in the Durham Metropolitan Statistical Area, and to enhance opportunities for small  
14 businesses to participate in City contracts. The City may define the term 'small business  
15 enterprise' as appropriate and consistent with the City's contracting practices. The City may  
16 establish bid and proposal specifications that include subcontracting goals and good faith  
17 efforts requirements to enhance participation by small business enterprises in City contracts.  
18 Notwithstanding the provisions of G.S. 143-129 and G.S. 143-131, the City may consider a  
19 bidder's efforts to comply with small business enterprise program requirements in its award of  
20 City contracts and, if a bidder is determined to have failed to comply with the requirements, the  
21 City may, within its discretion, refuse to award a contract to the bidder.

22 (b) The small business enterprise program authorized by this section is intended to  
23 supplement and not replace the requirements of G.S. 143-128.2, 143-131, or 143-135.5. Any  
24 goals or efforts established to achieve minority and women business participation consistent  
25 with the requirements of G.S. 143-128.2, 143-131, or 143-135.5 shall take precedence over  
26 goals for small business enterprise participation established under the program authorized by  
27 this section. A small business enterprise program established pursuant to this section shall be  
28 deemed consistent with the public policy of the State of North Carolina to promote and utilize  
29 small and underutilized business enterprises as set forth in G.S. 143-128.2, 143-128.3, and  
30 143-135.5."

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



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