

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

S

1

SENATE BILL 558

Short Title: Veterans Business Participation/Tracking. (Public)

Sponsors: Senators deViere, Davis, and Clark (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 7, 2021

A BILL TO BE ENTITLED

AN ACT TO ENCOURAGE AND PROMOTE THE USE OF VETERAN CONTRACTORS IN STATE PURCHASING OF GOODS AND SERVICES, STATE CONSTRUCTION CONTRACTS, AND STATE INFORMATION TECHNOLOGY PROCUREMENT; TO REQUIRE THE DEPARTMENT OF ADMINISTRATION TO COLLECT AND COMPILE DATA ON THE USE OF VETERAN BUSINESSES IN STATE CONTRACTS; AND TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION FOR THESE PURPOSES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-48 reads as rewritten:

"§ 143-48. State policy; cooperation in promoting the use of small contractors, minority contractors, physically handicapped contractors, ~~and veteran contractors,~~ and women contractors; purpose; required annual reports.

(a) Policy. – It is the policy of this State to encourage and promote the use of small contractors, minority contractors, physically handicapped contractors, ~~and veteran contractors,~~ and women contractors in State purchasing of goods and services. All State agencies, institutions and political subdivisions shall cooperate with the Department of Administration and all other State agencies, institutions and political subdivisions in efforts to encourage the use of small contractors, minority contractors, physically handicapped contractors, ~~and veteran contractors,~~ and women contractors in achieving the purpose of this Article, which is to provide for the effective and economical acquisition, management and disposition of goods and services by and through the Department of Administration.

(b) Reporting. – Every governmental entity required by statute to use the services of the Department of Administration in the purchase of goods and services, every local school administrative unit, and every private, nonprofit corporation other than an institution of higher education or a hospital that receives an appropriation of five hundred thousand dollars (\$500,000) or more during a fiscal year from the General Assembly shall report to the ~~department~~ Department of Administration annually on what percentage of its contract purchases of goods and services, through term contracts and open-market contracts, were from minority-owned businesses, what percentage from female-owned businesses, what percentage from disabled-owned businesses, what percentage from disabled business ~~enterprises and enterprises,~~ what percentage from nonprofit work centers for the blind and the severely ~~disabled.~~ disabled, and what percentage from veteran-owned businesses. The same governmental entities shall include in their reports what percentages of the contract bids for such purchases were from such businesses. The Department of Administration shall provide instructions to the reporting entities



* S 5 5 8 - V - 1 *

1 concerning the manner of reporting and the definitions of the businesses referred to in this act,
2 provided that, for the purposes of this act:

3 ...

4 (4) A veteran is a person as defined in G.S. 128-15(b)(2).

5"

6 **SECTION 2.** G.S. 143-135.5 reads as rewritten:

7 "**§ 143-135.5. State policy; cooperation in promoting the use of small, minority, physically**
8 **handicapped-handicapped, veteran, and women contractors; purpose.**

9 (a) Policy; Agency Cooperation. – It is the policy of this State to encourage and promote
10 the use of small, minority, physically ~~handicapped-handicapped~~, veteran, and women contractors
11 in State construction projects. All State agencies, institutions and political subdivisions shall
12 cooperate with the Department of Administration and all other State agencies, institutions and
13 political subdivisions in efforts to encourage and promote the use of small, minority, physically
14 ~~handicapped-handicapped~~, veteran, and women contractors in achieving the purpose of this
15 Article, which is the effective and economical construction of public buildings. For purposes of
16 this Article, the term "veteran" has the same meaning as in G.S. 128-15(b)(2).

17 (b) Business Engagement. – It is the policy of this State not to accept bids or proposals
18 from, nor to engage in business with, any business that, within the last two years, has been finally
19 found by a court or an administrative agency of competent jurisdiction to have unlawfully
20 discriminated on the basis of race, gender, religion, national origin, age, physical disability, or
21 any other unlawful basis in its solicitation, selection, hiring, or treatment of another business.

22 (c) Veteran Data Compiled and Reported. – All public entities subject to the provisions
23 of G.S. 143-128.2 shall report to the Department of Administration on (i) the number of veteran
24 businesses awarded a contract or a portion of a contract for a State building project under this
25 Article, (ii) a description of the work executed by each veteran business pursuant to a State
26 building project contract, and (iii) details of any outreach efforts made by the Department to
27 identify veteran businesses that can perform State building projects. The Department shall collect
28 and compile the data described in this subsection and report it no later than February 1 of each
29 year to the Joint Legislative Oversight Committee on General Government and the Fiscal
30 Research Division."

31 **SECTION 3.** G.S. 143B-1361 reads as rewritten:

32 "**§ 143B-1361. Information technology procurement policy; reporting requirements.**

33 (a) Policy. – In order to further the policy of the State to encourage and promote the use
34 of small, minority, physically handicapped, ~~and-veteran~~, and women contractors in State
35 purchasing of goods and services, all State agencies shall cooperate with the Department in
36 efforts to encourage the use of small, minority, physically handicapped, ~~and-veteran~~, and women
37 contractors in achieving the purposes of this Article, which is to provide for the effective and
38 economical acquisition, management, and disposition of information technology.

39"

40 **SECTION 4.** There is appropriated from the General Fund to the Department of
41 Administration the sum of fifty thousand dollars (\$50,000) in nonrecurring funds for the
42 2021-2022 fiscal year to implement the provisions of this act.

43 **SECTION 5.** This act becomes effective July 1, 2021.