

CHAPTER 05 - PURCHASE AND CONTRACT

SUBCHAPTER 05A – DIVISION OF PURCHASE AND CONTRACT

01 NCAC 05A .0101 RESPONSIBILITY

The Department of Administration is responsible for administering the State's program for the acquisition, management, and disposal of personal property, as well as the acquisition of services for its agencies. The Secretary of the Department of Administration (Secretary) is authorized and responsible for adopting and carrying out the rules promulgated herein. The administration of this program is delegated to the State Purchasing Officer (SPO) who reports to the Secretary.

*History Note: Authority G.S. 143-49;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. April 1, 1999; February 1, 1996; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*

01 NCAC 05A .0102 SCOPE

The program administered by the Division of Purchase and Contract shall be based on sound competitive purchasing procedures, sound management of personal property, and the economical disposal of State property; and shall include the following where public funds are involved:

- (1) acquisition of equipment, materials, and supplies, for all agencies;
- (2) acquisition of all printing, rentals, leases and services for all agencies, except for community colleges and local school administrative units;
- (3) making purchasing services available to non-state agencies identified in G.S. 143-49 and 143-49.1;
- (4) establishment and enforcement of purchase specifications;
- (5) inspection and testing of products;
- (6) review of agency purchasing and warehousing practices to ensure compliance with operating rules and procedures established by the SPO.

*History Note: Authority G.S. 143-49; 143-49.1; 143-53; 143-56; 143-60;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. February 1, 1996; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*

01 NCAC 05A .0103 ORGANIZATION

*History Note: Authority G.S. 143B-9; 143B-10;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Repealed Eff. July 1, 1987.*

01 NCAC 05A .0104 LOCATION

The principal offices of the Division of Purchase and Contract are located in the Administration Building, 116 West Jones Street, Raleigh, N.C. 27603-8002.

*History Note: Authority G.S. 143B-10;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. February 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*

01 NCAC 05A .0105 RULE-MAKING AUTHORITY

*History Note: Authority G.S. 143-53; 143-60;
Eff. February 1, 1976;*

Readopted Eff. February 27, 1979;
Repealed Eff. July 1, 1987.

01 NCAC 05A .0106 STANDARDIZATION COMMITTEE
01 NCAC 05A .0107 INSPECTION OF STANDARDS

History Note: Authority G.S. 143-53; 143B-397; 143B-398;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Repealed Eff. June 1, 1986.

01 NCAC 05A .0108 FORMS: PROCEDURES: TERMS AND CONDITIONS

The Division of Purchase and Contract establishes procedures for acquiring commodities, printing and services and prescribes forms, consistent language, terms and conditions and advertisement requirements, applicable to all agencies for such action. The procedures, forms, consistent language, terms and conditions and advertisement requirements shall be established taking into consideration market conditions and trends, legal requirements, and factors determined to be in the State's best interest. These shall be furnished to all agencies.

History Note: Authority G.S. 143-51; 143-53; 143-55; 143-60;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. April 1, 1999; May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.

01 NCAC 05A .0109 BOARD OF AWARD
01 NCAC 05A .0110 ADMINISTRATIVE PROCEDURES

History Note: Authority G.S. 143-53; 150B-2; 150B-22; 150B-23;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. August 1, 1988; May 1, 1988; July 1, 1987;
Repealed Eff. February 1, 1996.

01 NCAC 05A .0111 INFLATION POLICY

History Note: Authority G.S. 143-48; 143-49; 143-53;
Eff. February 27, 1979;
Repealed Eff. June 1, 1986.

01 NCAC 05A .0112 DEFINITIONS

(a) For the purpose of this Chapter, agency is defined as all departments, institutions, boards, commissions, universities, or other units of the State (including the Division of Purchase and Contract), and community colleges and local school administrative units, unless specifically exempted herein by reference. For the purpose of identifying a special responsibility constituent institution, as designated by the University Board of Governors, just the name "university(ies)" shall be used to distinguish any differences in the rules.

(b) A service contract shall mean any agreement in which an independent contractor performs services requiring specialized knowledge, experience, expertise or similar capabilities for a state agency for compensation involving an expenditure of public funds. The services may include (by way of illustration, not limitation) services such as maintenance of buildings or equipment, auditing, film production, employee training and food services, provided that the service is not primarily for review, analysis or advice in formulating or implementing improvements in programs or services (in which case rules relating to consultants shall be applicable).

(c) Where the term "offer" is used, it refers to a bid, proposal or offer submitted in response to an Invitation for Bids, Request for Proposals, Negotiation, or Request for Quotations.

(d) For the purpose of this Chapter, commodity(ies) is defined as any equipment, materials or supplies. It does not include services or printing.

History Note: Authority G.S. 116-31.10; 143-49; 143-53; 143-53.1;
Eff. February 1, 1996;
Amended Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.