

SECTION .1600 - EXEMPTIONS, EMERGENCIES AND SPECIAL DELEGATIONS

01 NCAC 05B .1601 EXEMPTIONS

(a) Except as provided in Paragraph (c) of this Rule, it is not mandatory for the items and services listed in this Rule to be purchased through the Division of Purchase and Contract.

- (1) purchase of liquor;
- (2) perishable articles such as fresh meats;
- (3) published books, manuscripts, subscriptions to printed material, packaged copyrighted software products, and like material;
- (4) services provided by individuals by direct employment contracts with the State;
- (5) public utility services (gas, water and electricity);
- (6) telephone, telegraph and cable services furnished by those companies;
- (7) services provided which are subject to published tariff rates as established by the North Carolina Utilities Commission;
- (8) services which are merely incidental to the purchase of supplies, materials or equipment such as installation services;
- (9) contracts for construction of and structural changes to public buildings;
- (10) personal services provided by a professional individual (person) on a temporary or occasional basis, including (by way of illustration, not limitation) those provided by a doctor, dentist, attorney, architect, professional engineer, scientist or performer of the fine arts and similar professions; the exemption applies only if the individual is using his/her professional skills to perform a professional task; a personal service may also be a consulting service;
- (11) services provided directly by an agency of the State, federal or local government, or their employees when performing the service as a part of their normal governmental function.

(b) In addition to products and services exempted by statute, the SPO may exempt other products and services from purchase through the Division provided that the SPO makes findings:

- (1) that competition will not enhance the price that the State would receive for the product or service; and
- (2) that competition will not enhance the quality of the product or service that the State would receive.

(c) Contracts for bakery products and dairy products shall be awarded through the Division of Purchase and Contract, if over the agency's expenditure benchmark.

*History Note: Authority G.S. 7A-6(B); 143-53; 143-56; 143-62;
Eff. February 1, 1976;
Readopted Eff. February 27, 1979;
Amended Eff. April 1, 1999; February 1, 1996; May 1, 1988; July 1, 1987;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 23, 2016.*