

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 1029**

Short Title: Competitive Bids/Food/Beverages in Schools. (Public)

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Sponsors: Senators Garrou; Bingham, Carter, Harris, Lee, and Odom.

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Referred to: Commerce.

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April 5, 2001

A BILL TO BE ENTITLED

1 AN ACT REQUIRING LOCAL SCHOOL ADMINISTRATIVE UNITS TO  
2 COMPETITIVELY BID ALL CONTRACTS FOR FOOD AND BEVERAGE  
3 SERVICES UNDER THE LAWS RELATING TO FOOD SERVICE IN PUBLIC  
4 SCHOOLS AND AUTHORIZING THE SECRETARY OF ADMINISTRATION  
5 TO ADOPT RULES TO IMPLEMENT THE COMPETITIVE BIDDING  
6 PROCESS.  
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Part 2 of Article 17 of Chapter 115C of the General Statutes is  
10 amended by adding a new section to read:

11 "**§ 115C-264.1. Contracts for food and beverage services in public schools.**

12 (a) The General Assembly finds that there is a need for local school  
13 administrative units to consider the competitive marketplace when entering into  
14 contracts for food and beverage services in public schools. Notwithstanding G.S. 115C-  
15 264 and G.S. 115C-522.1, to ensure that food and beverage services offered in local  
16 school administrative units are economically priced, each local school administrative  
17 unit entering into a contract for food and beverage services shall competitively bid the  
18 contract in accordance with rules adopted by the Secretary of Administration.

19 (b) For purposes of this section, the term 'food and beverage services' shall  
20 include any and all foods and beverages sold anywhere in public schools. Milk shall not  
21 be defined as a beverage under this section.

22 (c) The award of the contract for food and beverage services shall be made by the  
23 local school administrative unit."

24 **SECTION 2.** G.S. 143-49 is amended by adding a new subdivision to read:

25 "The Secretary of Administration shall have power and authority, and it shall be his  
26 duty, subject to the provisions of this Article:

27 ...

1           (8) To adopt rules governing the development of specifications and  
2           requirements, solicitation of competition, evaluation of offers, and the  
3           process of awarding a contract for food and beverage services in a  
4           public school by a local school administrative unit pursuant to G.S.  
5           115C-264.1."

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