

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

**SENATE BILL 294
RATIFIED BILL**

AN ACT AUTHORIZING THE FAYETTEVILLE PUBLIC WORKS COMMISSION TO
ESTABLISH A SMALL BUSINESS ENTERPRISE PROGRAM.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter VIA of the Charter of the City of Fayetteville, being Chapter 557 of the Session Laws of 1979, as amended by S.L. 2016-47, is amended by adding a new section to read as follows:

"§ 6A.25. Small Business Enterprise. (a) The Commission may establish a race- and gender-neutral small business enterprise program to promote the development of small businesses in the Fayetteville Metropolitan Statistical Area and to enhance opportunities for small businesses to participate in Commission contracts. The Commission may define the term "small business enterprise" as appropriate and consistent with the Commission's contracting practices. The Commission may establish bid and proposal specifications that include subcontracting goals and good-faith effort requirements to enhance participation by small business enterprises in Commission contracts. Notwithstanding the provisions of G.S. 143-129 and G.S. 143-131(b), the Commission may consider a bidder's efforts to comply with small business enterprise program requirements in its award of Commission contracts and, if a bidder is determined to have failed to comply with the requirements, the Commission may, within its discretion, refuse to award a contract to the bidder.

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

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



SECTION 3. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 2nd day of July, 2021.

s/ Carl Ford
Presiding Officer of the Senate

s/ Matthew Winslow
Presiding Officer of the House of Representatives