

G.S. 150B-21.3A Report for 09 NCAC 06A, 06B, OFFICE OF INFORMATION AND TECHNOLOGY SERVICES												
Agency - Department of Information Technology												
Comment Period - 10/31/2024 to 1/03/2025												
Date Submitted to APO - Filed in by RRC staff												
Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SUBCHAPTER 06A – INFORMATION TECHNOLOGY PROCUREMENT	SECTION .0100 – FORMS, TERMS AND CONDITIONS AND DEFINITIONS	09 NCAC 06A .0101	FORMS, TERMS AND CONDITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06A .0102	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06A .0104	RIGHT TO PETITION	Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
SUBCHAPTER 06B – PROCUREMENT REQUESTS	SECTION .0100 - REQUISITIONING	09 NCAC 06B .0101	AGENCY REQUESTS FOR AUTHORIZATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0103	CONFIDENTIALITY OF SOLICITATION DOCUMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - SPECIFICATIONS	09 NCAC 06B .0201	DEVELOPMENT OF IT SOLICITATION DOCUMENTS AND SPECIFICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0202	NEED	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0204	ARTICLES FOR SPECIAL PURPOSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0300 – PROCUREMENT AUTHORIZATION AND PROCEDURES	09 NCAC 06B .0301	PROCUREMENT PROCEDURES	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0302	METHODS OF SOURCE SELECTION	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0303	ELECTRONIC OFFERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0304	RECALL OF OFFERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0305	PUBLIC OPENING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0306	LATE OFFERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0307	CLERICAL ERRORS AND CLARIFICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0308	EXTENSION OF OFFER VALIDITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0309	EVALUATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0313	DIVISION OF COMMODITIES AND SERVICE NEEDS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0314	ADVERTISEMENT AND NOTICE	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0315	MANDATORY CONFERENCES/SITE VISITS	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0316	NEGOTIATION	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 – REJECTION OF OFFERS	09 NCAC 06B .0401	REJECTION OF OFFERS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0404	NOTICE OF REJECTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
		09 NCAC 06B .0405	DEBRIEFING OFFERORS	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 – INSPECTION AND TESTING	09 NCAC 06B .0501	RESPONSIBILITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0502	INSPECTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0503	SAMPLES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0504	MODIFICATIONS TO CONTRACT SPECIFICATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0505	REPORT OF DISCREPANCY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0600 – GUARANTEES AND WARRANTIES	09 NCAC 06B .0601	ENFORCEMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0602	REPORT TO ITS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0603	RESPONSIBILITY OF PURCHASING AGENCY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0700 - CONTRACTS	09 NCAC 06B .0701	CONTRACTS ESTABLISHED BY DIT	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0703	EXTENSION OF CONTRACT TERMINATION DATES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0800 - PARTIAL AND MULTIPLE AWARDS	09 NCAC 06B .0801	USE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION 0900 – WAIVER OF COMPETITION	09 NCAC 06B .0901	CONDITIONS FOR LIMITED OR WAIVED COMPETITION	Readopted Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .0902	APPROVAL AND DOCUMENTATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1000 – MISCELLANEOUS PROVISIONS	09 NCAC 06B .1001	CONFIDENTIALITY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1002	PAYMENT PLANS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1003	CHANGE IN CORPORATE STRUCTURE OR ASSIGNMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1004	PURCHASING FROM OR THROUGH AGENCY EMPLOYEES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1005	ANTICOMPETITIVE, DECEPTIVE, AND FRAUDULENT PRACTICES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1006	COOPERATIVE PURCHASING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1030	DEFAULT PROCEEDINGS; DEBARMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1031	FAITHFUL PERFORMANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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	SECTION .1100 - BID PROTEST, CONTESTED CASE PROCEDURE	09 NCAC 06B .1101	RIGHT TO HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1102	PROTEST PROCEDURES FOR AWARD OF CONTRACTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1103	REQUEST FOR HEARING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1104	DEFINITIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1105	GENERAL PROVISIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1106	ORDER FOR PREHEARING STATEMENTS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1107	DUTIES OF THE HEARING OFFICER	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1108	CONSENT ORDER; SETTLEMENT; STIPULATION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1109	SETTLEMENT CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1110	PREHEARING CONFERENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1111	DISCOVERY	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1112	CONSOLIDATION OF CASES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1113	SUBPOENAS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1114	SANCTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1115	MOTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1116	INTERVENTION	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1117	CONTINUANCES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1118	RIGHTS AND RESPONSIBILITIES OF PARTIES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1119	WITNESSES	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1120	EVIDENCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1121	FINAL AGENCY DECISION; OFFICIAL RECORD	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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	SECTION .1200 – DECLARATORY RULINGS; DEFAULT PROCEEDINGS; DISQUALIFICATIONS; AND DEBARMENT	09 NCAC 06B .1201	DECLARATORY RULINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1202	REQUESTS FOR DECLARATORY RULINGS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1203	RESPONSE TO A REQUEST FOR A DECLARATORY RULING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1204	EFFECT OF A DECLARATORY RULING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1205	RECORD OF RULING	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1206	DEFAULT PROCEEDINGS; DISQUALIFICATION; AND DEBARMENT	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1207	PERFORMANCE ASSURANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1300 - EXEMPTIONS, EMERGENCIES, AND SPECIAL DELEGATIONS	09 NCAC 06B .1301	EXEMPTIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1302	EMERGENCY SITUATIONS OR PRESSING NEED	Amended Eff March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1304	GENERAL DELEGATIONS	Amended Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1305	COMPLIANCE REVIEWS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1400 - RECORDS	09 NCAC 06B .1401	RECORD MAINTENANCE	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 25, 2015	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		09 NCAC 06B .1402	PROCUREMENT FILE RECORDS	Amended Eff. March 1, 2016	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt