

G.S. 150B-21.3A Report for 09 NCAC Chapter 06, OFFICE OF THE GOVERNOR

Agency - Office of Information and Technology Services

Comment Period - Filled in by agency

Date Submitted to APO - Filled in by RRC staff

Subchapter or Blank	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms 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)]
SUBCHAPTER 06A – INFORMATION TECHNOLOGY PROCUREMENT	SECTION .0100 – FORMS, TERMS AND CONDITIONS AND DEFINITIONS	09 NCAC 06A .0101	FORMS, TERMS AND CONDITIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06A .0102	DEFINITIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06A .0103	BENCHMARK AND THE BOARD OF AWARDS	Amended Eff. September 1, 2013	Unnecessary	No		No	Unnecessary
SUBCHAPTER 06B – PROCUREMENT REQUESTS	SECTION .0100 - REQUISITIONING REQUESTS	09 NCAC 06B .0101	AGENCY REQUESTS FOR AUTHORIZATION	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0103	CONFIDENTIALITY OF SOLICITATION DOCUMENTS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0201	DEVELOPMENT OF IT SOLICITATION DOCUMENTS AND SPECIFICATIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0202	NEED	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0204	ARTICLES FOR SPECIAL PURPOSES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0300 – PROCUREMENT AUTHORIZATION AND PROCEDURES	09 NCAC 06B .0301	PROCUREMENT PROCEDURES	Amended Eff. September 1, 2013	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
		09 NCAC 06B .0302	METHODS OF SOURCE SELECTION	Amended Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		09 NCAC 06B .0303	ELECTRONIC OFFERS	Amended Eff. September 1, 2013.	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest

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		09 NCAC 06B .0304	RECALL OF OFFERS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0305	PUBLIC OPENING	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0306	LATE OFFERS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0307	CLERICAL ERRORS AND CLARIFICATIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0308	EXTENSION OF OFFER VALIDITY	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0309	EVALUATION	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		09 NCAC 06B .0313	DIVISION OF COMMODITIES AND SERVICE NEEDS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0314	ADVERTISEMENT AND NOTICE	Amended Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		09 NCAC 06B .0315	MANDATORY CONFERENCES/SITE VISITS	Amended Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		09 NCAC 06B .0316	NEGOTIATION	Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0400 – REJECTION OF OFFERS	09 NCAC 06B .0401	REJECTION OF OFFERS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0404	NOTICE OF REJECTION	Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0405	DEBRIEFING OFFERORS	Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	SECTION .0500 – INSPECTION AND TESTING	09 NCAC 06B .0501	RESPONSIBILITY	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0502	INSPECTION	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0503	SAMPLES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0504	MODIFICATIONS TO CONTRACT SPECIFICATIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		09 NCAC 06B .0505	REPORT OF DISCREPANCY	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0600 – GUARANTEES AND WARRANTIES	09 NCAC 06B .0601	ENFORCEMENT	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0602	REPORT TO ITS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .0603	RESPONSIBILITY OF PURCHASING AGENCY	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0700 - CONTRACTS	09 NCAC 06B .0701	CONTRACTS ESTABLISHED BY ITS	Amended Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		09 NCAC 06B .0703	EXTENSION OF CONTRACT TERMINATION DATES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .0800 - PARTIAL AND MULTIPLE AWARDS	09 NCAC 06B .0801	USE	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION 0900 – WAIVER OF COMPETITION	09 NCAC 06B .0901	CONDITIONS FOR LIMITED OR WAIVED COMPETITION	Amended Eff. September 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
		09 NCAC 06B .0902	APPROVAL AND DOCUMENTATION	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1000 – MISCELLANEOUS PROVISIONS	09 NCAC 06B .1001	CONFIDENTIALITY	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1002	PAYMENT PLANS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1003	CHANGE IN CORPORATE STRUCTURE OR ASSIGNMENT	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1004	PURCHASING FROM OR THROUGH AGENCY EMPLOYEES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		09 NCAC 06B .1005	ANTICOMPETITIVE, DECEPTIVE, AND FRAUDULENT PRACTICES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1006	COOPERATIVE PURCHASING	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1030	DEFAULT PROCEEDINGS; DEBARMENT	Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1031	FAITHFUL PERFORMANCE	Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1100 - BID PROTEST, CONTESTED CASE PROCEDURE	09 NCAC 06B .1101	RIGHT TO HEARING	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1102	PROTEST PROCEDURES FOR AWARD OF CONTRACTS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1103	REQUEST FOR HEARING	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1104	DEFINITIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1105	GENERAL PROVISIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1106	ORDER FOR PREHEARING STATEMENTS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1107	DUTIES OF THE HEARING OFFICER	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1108	CONSENT ORDER; SETTLEMENT; STIPULATION	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1109	SETTLEMENT CONFERENCE	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1110	PREHEARING CONFERENCE	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1111	DISCOVERY	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1112	CONSOLIDATION OF CASES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1113	SUBPOENAS	Recodified from 09 NCAC 06B .1021 Eff. March 19, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1114	SANCTIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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		09 NCAC 06B .1115	MOTIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1116	INTERVENTION	Recodified from 09 NCAC 06B .1024 Eff. March 19, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1117	CONTINUANCES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1118	RIGHTS AND RESPONSIBILITIES OF PARTIES	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1119	WITNESSES	Recodified from 09 NCAC 06B .1027 Eff. March 19, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1120	EVIDENCE	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1121	FINAL AGENCY DECISION; OFFICIAL RECORD	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1200 – DECLARATORY RULINGS; DEFAULT PROCEEDINGS; DISQUALIFICATIONS ; AND DEBARMENT	09 NCAC 06B .1201	DECLARATORY RULINGS	Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1202	REQUESTS FOR DECLARATORY RULINGS	Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1203	RESPONSE TO A REQUEST FOR A DECLARATORY RULING	Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1204	EFFECT OF A DECLARATORY RULING	Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1205	RECORD OF RULING	Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1206	DEFAULT PROCEEDINGS; DISQUALIFICATION; AND DEBARMENT	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1207	PERFORMANCE ASSURANCE	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	SECTION .1300 - EXEMPTIONS, EMERGENCIES, AND SPECIAL DELEGATIONS	09 NCAC 06B .1301	EXEMPTIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1302	EMERGENCY SITUATIONS OR PRESSING NEED	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1303	SPECIAL DELEGATIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1304	GENERAL DELEGATIONS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest
		09 NCAC 06B .1305	COMPLIANCE REVIEWS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	SECTION .1400 - RECORDS	09 NCAC 06B .1401	RECORD MAINTENANCE	Recodified from 09 NCAC 06B .1201 Eff. March 19, 2008	Necessary without substantive public interest	No		No	Necessary without substantive public interest
		09 NCAC 06B .1402	PROCUREMENT FILE RECORDS	Amended Eff. September 1, 2013	Necessary without substantive public interest	No		No	Necessary without substantive public interest

Agency	Name	Type of Comment	Comment	Agency Response
Office of Information and Technology Services	PROCUREMENT PROCEDURES	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Publishing results of winning / losing bids on-line would be helpful. Nawaf Marjan Triangle Technology Ventures, LLC	Bid announcements, questions, responses, and awards are published on the IPS (State of North Caroline Interactive Purchasing System) website https://www.ips.state.nc.us/IPS/Default.aspx .

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Office of Information and Technology Services	09 NCAC 06B .0303	ELECTRONIC OFFERS	Public Coment as defined in G.S. 150B-21.3A(a)(5)	It is challenging for companies to participate in the bidding process when we have to (hand deliver) bids to ITS. Our recommendation is to shift to an electronic system of submission so that vendors can simply submit their bid through an email. Nawaf Marjan Triangle Technology Ventures, LLC	While we currently do not accept electronic bids, we hope to implement the ability in the future.

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Office of Information and Technology Services	09 NCAC 06B .0309	EVALUATION	Other Statement	We would also urge ITS to keep the vendor community more connected with their needs by holding quarterly 'reach out' sessions which would help us understand what their needs are and how to position ourselves to deliver that. Nawaf Marjan Triangle Technology Ventures, LLC	Comment forwarded to Ray Johnson, Strategic Sourcing Director, for his review.

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Office of Information and Technology Services	09 NCAC 06B .1304	GENERAL DELEGATIONS	Public Coment as defined in G.S. 150B-21.3A(a)(5)	Thank you for the opportunity to provide feedback. The only area that we would ask you to consider is raising the agency spending authority currently at \$25,000. I feel quite certain that our agency, NC Wildlife Resources Commission, could effectively work with a \$50,000 benchmark. Best regards, Tommy Kirby C.P.M., CPIM Purchasing Officer NC Wildlife Resources Commission	Instructions for seeking an increase in agency delegations can be found in 09 NCAC 06B .1304 General Delegations.