

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 460

Short Title: Highways-Changed Contract Provisions.

(Public)

Sponsors: Senator Rauch.

Referred to: Transportation.

March 16, 1989

A BILL TO BE ENTITLED

AN ACT TO CONTINUE THE PRESENT HIGHWAY CONTRACT CLAUSES IN
HIGHWAY CONSTRUCTION CONTRACTS MADE NECESSARY BY
FEDERAL LEGISLATION.

Whereas, the Federal-Aid Highway Act of 1987 prescribed the use of certain
standardized contract clauses in contracts for highway construction; and

Whereas, the State of North Carolina rejects the use of those federal-aid
standardized contract clauses and adopts those contract clauses currently used, subject
to change by rule adopted by the Board of Transportation in accordance with the
Administrative Procedure Act, pursuant to the provisions of 23 U.S.C. § 112(e) and 23
C.F.R. § 635.131(b); Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-28.1(a) reads as rewritten:

"(a) All contracts over one hundred fifty thousand dollars (\$150,000) that the
Department of Transportation may let for construction or repair necessary to carry out
the provisions of this Chapter shall be let to a responsible bidder after public advertising
under rules and regulations to be made and published by the Department of
Transportation. The right to reject any and all bids shall be reserved to the Board of
Transportation. Contracts for construction or repair for federal-aid projects entered into
pursuant to this section shall not contain the standardized contract clauses prescribed by
23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions
of work ordered by the engineer or significant changes in the character of the work.
The Department of Transportation shall use only the contract provisions provided in the
North Carolina Department of Transportation, Standard Specifications for Roads and

1 Structures, January 1, 1984, except as each may be changed or provided for by rule
2 adopted by the Board of Transportation in accordance with the Administrative
3 Procedure Act."

4 Sec. 2. This act is effective upon ratification.