

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 454

Short Title: Simplify Bid Process/Capital Proj.

(Public)

Sponsors: Representatives Allred, Teague; Baker, Buchanan, Justus, Melton, Setzer, Thompson, Tucker, and Walend.

Referred to: Ways and Means.

March 16, 1999

A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE COMPETITIVE BID PROCESS FOR CITY, COUNTY, AND PUBLIC SCHOOL PROJECTS OF FIVE HUNDRED THOUSAND DOLLARS OR LESS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-132 reads as rewritten:

"§ 143-132. Minimum number of bids for public contracts.

(a) ~~No~~ Except as provided in subsection (b1) of this section, no contract to which G.S. 143-129 applies for construction or repairs shall be awarded by any board or governing body of the State, or any subdivision thereof, unless at least three competitive bids have been received from reputable and qualified contractors regularly engaged in their respective lines of endeavor; however, this section shall not apply to contracts which are negotiated as provided for in G.S. 143-129. Provided that if after advertisement for bids as required by G.S. 143-129, not as many as three competitive bids have been received from reputable and qualified contractors regularly engaged in their respective lines of endeavor, said board or governing body of the State agency or of a county, city, town or other subdivision of the State shall again advertise for bids; and if as a result of such second advertisement, not as many as three competitive bids from reputable and qualified contractors are received, such board or governing body may then let the contract

1 to the lowest responsible bidder submitting a bid for such project, even though only one  
2 bid is received.

3 (b) For purposes of contracts bid in the alternative between the separate-prime and  
4 single-prime contracts, pursuant to G.S. 143-128(c) or (d), each single-prime bid shall  
5 constitute a competitive bid in each of the four subdivisions or branches of work listed in  
6 G.S. 143-128(a), and each full set of separate-prime bids shall constitute a competitive  
7 single-prime bid in meeting the requirements of subsection (a) of this section. If there are  
8 at least three single-prime bids but there is not at least one full set of separate-prime bids,  
9 no separate-prime bids shall be opened.

10 (b1) When the entire cost of construction or repairs is five hundred thousand dollars  
11 (\$500,000) or less, a county, city as defined in G.S. 160A-1(2), or local school  
12 administrative unit may award a contract if at least two competitive bids have been  
13 received from reputable and qualified contractors regularly engaged in their respective  
14 lines of endeavor. If after advertisement for bids as required by G.S. 143-129, fewer than  
15 two such competitive bids have been received, the governing body of the county, city, or  
16 local board of education shall again advertise for bids. If as a result of the second  
17 advertisement, only one such competitive bid is received from a responsible bidder, the  
18 governing body may let the contract to that bidder.

19 For purposes of contracts bid in the alternative between the separate-prime and single-  
20 prime contracts pursuant to G.S. 143-128(c) or (d), each single-prime bid shall  
21 constitute a competitive bid in each of the four subdivisions or branches of work listed in  
22 G.S. 143-128(a), and each full set of separate-prime bids shall constitute a competitive  
23 single-prime bid in meeting the requirements of this subsection. If there are at least two  
24 single-prime bids but there is not at least one full set of separate-prime bids, no separate-  
25 prime bids shall be opened.

26 (c) The State Building Commission shall develop guidelines no later than January  
27 1, 1991, governing the opening of bids pursuant to this Article. These guidelines shall be  
28 distributed to all public bodies subject to this Article. The guidelines shall not be subject  
29 to the provisions of Chapter 150B of the General Statutes."

30 Section 2. This act becomes effective July 1, 1999, and applies to projects  
31 advertised on or after that date.