

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 787

Committee Substitute Reported Without Prejudice 4/20/99

Short Title: Charlotte/Mecklenburg School Construction.

(Local)

Sponsors:

Referred to:

April 1, 1999

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE FOR FLEXIBILITY IN SCHOOL CONSTRUCTION AND
REPAIR CONTRACTS FOR CHARLOTTE/MECKLENBURG SCHOOLS.**

The General Assembly of North Carolina enacts:

Section 1. Prequalified bidders; solicited bid list. – Notwithstanding G.S. 143-129, the Charlotte/Mecklenburg Board of Education ("Board") may prequalify a limited number of contractors for a school facility construction, rebuilding, or renovation contract ("contract" and "project") and solicit bids from some or all of those prequalified contractors. The Board must attempt to prequalify and solicit sealed bids from at least five contractors and may not award a contract pursuant to this section unless it receives at least three bids from the group of prequalified contractors. The five-bid solicitation target and the three-proposal rule apply to each subdivision of work specified in G.S. 143-128(a) if the project is bid under the separate prime or dual bidding systems authorized under G.S. 143-128(b), (d), and (d1).

The Board shall award the contract or contracts to the lowest responsible bidder or bidders, taking into consideration quality, performance, and the time specified in the bids for the performance of the project. Notwithstanding the first paragraph of this section, if the Board does not receive three or more proposals, it may again seek

1 proposals for the project pursuant to this section and may award the contract to the lowest
2 responsible bidder, even if only one proposal is received.

3 In prequalifying a contractor for purposes of this section, the Board may
4 consider the contractor's relevant experience on the type of project to be bid, ability to
5 meet the project schedule, financial strength, and the contractor's failure to perform
6 satisfactorily on past projects or a current project. The Board's consideration of these
7 factors shall be based upon objective information provided in the public record of the
8 prequalification process. The Board must notify a disqualified bidder at least seven days
9 prior to the opening of bids.

10 This section applies only to renovation, repair, and rebuilding projects.

11 Section 2. Construction management. – Notwithstanding G.S. 143-128, 143-
12 129, and 143-132, the Board may contract with a construction manager to manage and
13 assume liability for the completion of a project. The construction manager shall be
14 selected in the same manner that architects and engineers are selected pursuant to Article
15 3D of Chapter 143 of the General Statutes. If the Board receives bids under the separate-
16 prime system and contracts with a construction manager who will be liable for the
17 completion of the project, the Board may combine the lowest responsible bids in each
18 subdivision of work into a single contract to be administered by the construction
19 manager.

20 Section 3. Design-build. – Notwithstanding G.S. 143-128, 143-129, and 143-
21 132, the Board may use the design-build method of construction as follows:

- 22 (1) The Board must seek to prequalify and solicit at least five design-build
23 teams to bid on the project and must receive sealed proposals from at
24 least three of those teams. The request for proposals must contain a
25 design criteria package that defines the project scope, including
26 preliminary design and performance specifications, in a manner
27 sufficient to allow the bidders to respond. This package should be
28 developed by an architect.
- 29 (2) The Board shall interview at least three of the design-build teams that
30 submit proposals. The Board shall award the contract to the best
31 qualified team, taking into account the time of completion of the project
32 and the cost of the project as the major factors.

33 Section 4. Other methods. – Nothing in this act limits the Board's use of any
34 method of contracting already authorized by law under Articles 3D and 8 of Chapter 143
35 of the General Statutes.

36 Section 5. Project bundling. – The Board may award a single contract pursuant
37 to this act covering multiple facilities and sites, except that all facilities for which such
38 contract is awarded under this act for new construction must be in the same grade level
39 (elementary school, middle school, or high school) unless the facilities are part of a single
40 campus.

41 Section 6. This act is effective when it becomes law.