

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-93
HOUSE BILL 880

AN ACT TO SIMPLIFY THE COMPETITIVE BID PROCESS IN SEVERAL
COUNTIES 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 to the lowest responsible bidder submitting a bid for such project, even though only one bid is received.

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

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

second advertisement, only one such competitive bid is received from a responsible bidder, the governing body may let the contract to that bidder.

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

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

Section 2. This act applies only to Alamance, Beaufort, Currituck, Camden, Pasquotank, and Perquimans County and to municipalities and local school administrative units within those counties.

Section 3. This act becomes effective July 1, 1999, and applies to projects advertised on or after that date.

In the General Assembly read three times and ratified this the 25th day of May, 1999.

s/ Dennis A. Wicker
President of the Senate

s/ James B. Black
Speaker of the House of Representatives