

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1059

Short Title: Clarify Definition of Contractor.

(Public)

Sponsors: Senator Metcalf.

Referred to: Commerce.

April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF CONTRACTOR UNDER THE LAWS
RELATING TO PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-128(b) reads as rewritten:

"(b) Building projects over five hundred thousand dollars (\$500,000); separate prime contracts. – Except as provided in subsection (d) of this section, when the entire cost of the erection, construction, alteration, or repair of a building exceeds five hundred thousand dollars (\$500,000), the State, county, municipality, or other public body shall accept bids for each subdivision or branch of work for which specifications are required to be prepared under subsection (a) of this section and shall award the respective work specified separately to responsible and reliable persons, firms or corporations regularly engaged in their respective lines of work. When the estimated cost of work to be performed in any single subdivision or branch for which separate bids are required by this subsection is less than twenty-five thousand dollars (\$25,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost.

Bids may also be accepted from and awards made to separate contractors for other categories of work.

Each separate contractor shall be directly liable to the State of North Carolina, or to the county or municipality, and to the other separate contractors for the full performance of all duties and obligations due respectively under the terms of the separate contracts and in accordance with the plans and specifications, which shall specifically set forth the duties and obligations of each separate contractor. For the purpose of this section, 'separate contractor' means any person, firm or corporation who shall enter into a ~~contract~~ contract, pursuant to this section, with the State, or with any county, municipality, or other public body, for the erection, construction, alteration or repair of any building or buildings, or parts thereof. Entities and individuals providing

1 architectural, engineering, or other professional services are not 'separate contractors'
2 under this section."

3 **SECTION 2.** This act is effective when it becomes law.