

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 468
HOUSE BILL 224

AN ACT TO ALLOW PASQUOTANK COUNTY, THE PASQUOTANK COUNTY BOARD OF EDUCATION, AND THE BOARD OF TRUSTEES OF THE ALBEMARLE HOSPITAL TO ENTER INTO SINGLE PRIME CONTRACTOR PUBLIC CONTRACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-128 reads as rewritten:

"§ 143-128. Separate specifications for building contracts; responsible contractors.

(a) Every officer, board, department, commission or commissions charged with responsibility of preparation of specifications or awarding or entering into contracts for the erection, construction, alteration or repair of any buildings for the State, or for any county or municipality, when the entire cost of such work shall exceed one hundred thousand dollars (\$100,000) must have prepared separate specifications for each of the following subdivisions or branches of work to be performed:

- (1) Heating, ventilating, air conditioning and accessories (separately or combined into one conductive system) and/or refrigeration for cold storage (where the cooling load is 15 tons or more of refrigeration), and all work kindred thereto.
- (2) Plumbing and gas fittings and accessories, and all work kindred thereto.
- (3) Electrical wiring and installations, and all work kindred thereto.
- (4) General work relating to the erection, construction, alteration, or repair of any building above referred to, which work is not included in the above-listed three subdivisions or branches.

All such specifications must be so drawn as to permit separate and independent bidding upon each of the subdivisions or branches of work enumerated above. The above enumeration of subdivisions or branches of work shall not be construed to prevent any officer, board, department, commission or commissions from preparing additional separate specifications and awarding additional separate contracts for any other category of work when it is deemed in the best interest of such officer, board, department, commission or commissions to do so.

All contracts hereafter awarded by the State or by a county or municipality, or a department, board, commissioner, or officer thereof, for the erection, construction, alteration or repair of buildings, or any parts thereof, 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 is less than ten thousand dollars (\$10,000), the same may be included in the contract for one of the other subdivisions or branches of the work, irrespective of total project cost.

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, the wording 'separate contractor' is hereby deemed and held to mean any person, firm or corporation who shall enter into a contract with the State, or with any county or municipality, for the erection, construction, alteration or repair of any building or buildings, or parts thereof.

All public authorities coming within the requirements of this section shall have the authority to purchase and erect prefabricated or relocatable buildings or portions thereof without complying with the provisions hereof, except that portion of the work which must be performed at the construction site.

(b) Notwithstanding the provisions of subsection (a) of this section a county, municipality, department, board, commissioner, officer, or public hospital board of trustees may use the single prime contract system, and may prequalify bidders, for all construction contracts. Provided, however, that all bidders must identify on their bid the electrical, plumbing, and mechanical contractors they have selected. If the contract is to be let under this subsection, each bidder shall make a good faith effort to include minority business subcontractors in an amount not less than ten percent (10%) of the prospective prime contractor's total bid, or shall verify why that bidder was unable to secure qualified minority subcontractors in such an amount."

Sec. 2. (a) The purpose of this section is to authorize construction, by Albemarle Hospital, of a capital improvement project to include the renovation of existing facilities and the construction of new facilities at Albemarle Hospital.

(b) The project authorized to be constructed by this section is of a complex nature and magnitude and the same involves reworking an existing ongoing hospital medical facility and consequently, specialty contractors are needed to meet the needs of the special problems that evolve from reworking an existing ongoing medical facility as well as tying in new construction to the said facility that alters its complete scheme, layout and design.

(c) For the purposes of letting contracts for the construction of the project authorized in this section, Albemarle Hospital shall be exempt from the requirements of G.S. 143-128 and G.S. 143-129 and may allow only contractors who are deemed qualified and financially capable by its architects to bid on the project.

(d) Notwithstanding any other laws or administrative rules to the contrary, Albemarle Hospital may plan, develop, and construct the renovation of existing facilities and the construction of new facilities at Albemarle Hospital through the letting of a construction contract or contracts using the prime contract system and/or the separate prime contract system and/or the construction management contract system.

Sec. 3. Section 1 of this act applies to the County of Pasquotank and the Pasquotank Board of Education only. Section 2 of this act applies to the Albemarle Hospital Board of Trustees only.

Sec. 4. The provisions of this act are severable, and if any provision of this act is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions of the act which can be given effect without the invalid provision.

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 27th day of June, 1989.