

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 749
HOUSE BILL 397

AN ACT TO AMEND THE EXPIRATION DATE FOR PRIVATE CONTRACT PARTICIPATION BY THE DEPARTMENT OF TRANSPORTATION, AND TO INCREASE THE DOLLAR LIMIT ON CONTRACTS THAT MUST BE LET AFTER PUBLIC ADVERTISING.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 860 of the 1987 Session Laws reads as rewritten:

"**Sec. 2.** This act is effective upon ratification, and shall expire ~~June 30, 1989~~ June 30, 1991."

Sec. 2. G.S. 136-28.1(a) as amended by Chapter 78 of the 1989 Session Laws reads as rewritten:

"(a) All contracts over ~~one hundred fifty thousand dollars (\$150,000)~~ three hundred thousand dollars (\$300,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal-aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act."

Sec. 3. G.S. 136-28.1(b) reads as rewritten:

"(b) In those cases in which the amount of work to be let to contract for highway construction or repair is ~~one hundred fifty thousand dollars (\$150,000)~~ three hundred thousand dollars (\$300,000) or less, at least three informal bids shall be solicited. The term 'informal bids' is defined as bids in writing, received pursuant to a written request, without public advertising. All such contracts shall be awarded to the lowest responsible bidder, ~~taking into consideration quality, performance, and the time specified in the bids for the performance of the contract.~~ bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record shall be subject to public inspection at any ~~time.~~ time after the bids are opened."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 9th day of August, 1989.