

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 629

Short Title: Iredell Single Prime Contracts.

(Local)

Sponsors: Senator Bryan.

Referred to: Local Government & Regional Affairs.

March 23, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW PUBLIC CONTRACTS TO BE BID IN THE ALTERNATIVE
AS MULTIPLE PRIME OR SINGLE PRIME CONTRACTOR CONTRACTS IN
IREDELL, ALEXANDER, CATAWBA, AND YADKIN COUNTIES.

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.

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

8 All contracts hereafter awarded by the State or by a county or municipality, or a
9 department, board, commissioner, or officer thereof, for the erection, construction,
10 alteration or repair of buildings, or any parts thereof, shall award the respective work
11 specified separately to responsible and reliable persons, firms or corporations regularly
12 engaged in their respective lines of work. When the estimated cost of work to be
13 performed in any single subdivision or branch is less than ten thousand dollars
14 (\$10,000), the same may be included in the contract for one of the other subdivisions or
15 branches of the work, irrespective of total project cost.

16 Each separate contractor shall be directly liable to the State of North Carolina, or to
17 the county or municipality, and to the other separate contractors for the full performance
18 of all duties and obligations due respectively under the terms of the separate contracts
19 and in accordance with the plans and specifications, which shall specifically set forth
20 the duties and obligations of each separate contractor. For the purpose of this section,
21 the wording 'separate contractor' is hereby deemed and held to mean any person, firm or
22 corporation who shall enter into a contract with the State, or with any county or
23 municipality, for the erection, construction, alteration or repair of any building or
24 buildings, or parts thereof.

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

29 (b) Notwithstanding the provisions of subsection (a) of this section a county,
30 municipality, department, board, commissioner, or officer may use the single prime
31 contract system, and may prequalify bidders, for all construction contracts. Provided,
32 however, that all bidders must identify on their bid the electrical, plumbing, and
33 mechanical contractors they have selected. If the public body chooses to use the single
34 prime contract system, it must also seek bids for the project under subsection (a) of this
35 section and award the contract to the lowest responsible bidder(s) for the total project
36 regardless of the contract system used."

37 Sec. 2. G.S. 143-132 reads as rewritten:

38 "**§ 143-132. Minimum number of bids for public contracts.**

39 (a) No contract to which G.S. 143-129 applies for construction or repairs shall be
40 awarded by any board or governing body of the State, or any subdivision thereof, unless
41 at least three competitive bids have been received from reputable and qualified
42 contractors regularly engaged in their respective lines of endeavor; however, this section
43 shall not apply to contracts which are negotiated as provided for in G.S. 143-129.
44 Provided that if after advertisement for bids as required by G.S. 143-129, not as many as

1 three competitive bids have been received from reputable and qualified contractors
2 regularly engaged in their respective lines of endeavor, said board or governing body of
3 the State agency or of a county, city, town or other subdivision of the State shall again
4 advertise for bids; and if as a result of such second advertisement, not as many as three
5 competitive bids from reputable and qualified contractors are received, such board or
6 governing body may then let the contract to the lowest responsible bidder submitting a
7 bid for such project, even though only one bid is received.

8 (b) For purposes of contracts bid in the alternative between the multiple prime
9 and single prime contracts, pursuant to G.S. 143-128(b), a bid submitted by a single
10 prime contractor shall constitute a competitive bid in each of the four subdivisions or
11 branches of work listed in G.S. 143-128(a). If less than three competitive bids, in any
12 combination of multiple prime or single prime contracts, are received in each of the four
13 subdivisions or branches of work listed in G.S. 143-128(a), then the bids shall not be
14 opened and the readvertising and awarding procedures in subsection (a) of this section
15 shall apply."

16 Sec. 3. This act applies to Iredell, Alexander, Catawba, and Yadkin Counties
17 only.

18 Sec. 4. This act is effective upon ratification.