

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 308

Short Title: Public Contracts.

(Public)

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Sponsors: Senator Goldston.

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Referred to: State Government.

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February 27, 1989

A BILL TO BE ENTITLED

AN ACT TO ALLOW PUBLIC CONTRACTS TO INCLUDE SINGLE PRIME CONTRACTOR CONTRACTS, CONSTRUCTION MANAGEMENT CONTRACTS, OR DESIGN-BUILD 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.

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, the construction management system, or the design-build system, and  
32 may prequalify bidders, for all construction contracts. Provided, however, that all  
33 bidders must identify on their bid the electrical, plumbing, and mechanical contractors  
34 they have selected. If the contract is to be let under this subsection, each bidder shall  
35 include minority business subcontractors in an amount not less than ten percent (10%)  
36 of the prospective prime contractor's total bid, or shall verify why that bidder was  
37 unable to secure qualified minority subcontractors in such an amount."

38 Sec. 2. This act is effective upon ratification.