

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 864

Short Title: Public Contracts/Fire Sprinklers.

(Public)

Sponsors: Senators Sherron; and Blackmon.

Referred to: State Personnel and State Government.

April 14, 1993

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT SPECIFICATIONS FOR PUBLIC BUILDING
2 CONTRACTS INCLUDE FIRE SPRINKLER DESIGN AND TO INCLUDE FIRE
3 SPRINKLER CONTRACTORS AS SEPARATE RESPONSIBLE
4 CONTRACTORS.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-128(a) reads as rewritten:

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

14 (1) Heating, ventilating, air conditioning and accessories (separately or
15 combined into one conductive system) and/or refrigeration for cold
16 storage (where the cooling load is 15 tons or more of refrigeration),
17 and all work kindred thereto.

18 (2) Plumbing and gas fittings and accessories, and all work kindred
19 thereto.

20 (2a) Fire sprinkler system (if required), where the installed fire sprinkler
21 system equals or exceeds an area of 20,000 square feet.

22 (3) Electrical wiring and installations, and all work kindred thereto.

- 1 (4) General work relating to the erection, construction, alteration, or repair
2 of any building above referred to, which work is not included in the
3 above-listed ~~three~~four subdivisions or branches.

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

11 All contracts hereafter awarded by the State or by a county or municipality, or a
12 department, board, commissioner, or officer thereof, for the erection, construction,
13 alteration or repair of buildings, or any parts thereof, shall award the respective work
14 specified separately to responsible and reliable persons, firms or corporations regularly
15 engaged in their respective lines of work. When the estimated cost of work to be
16 performed in any single subdivision or branch is less than ten thousand dollars
17 (\$10,000), the same may be included in the contract for one of the other subdivisions or
18 branches of the work, irrespective of total project cost.

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

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

32 Sec. 2. G.S. 143-128(b) reads as rewritten:

33 "(b) Notwithstanding the provisions of subsection (a) of this section, the State, a
34 county, municipality, department, board, commission, public hospital, or other public
35 body, or an officer thereof may use the single-prime contract system and may prequalify
36 bidders for all construction contracts.

37 If the public body chooses to use the single-prime contract system, it must also seek
38 bids for the project under subsection (a) of this section and award the contract to the
39 lowest responsible bidder or bidders for the total project.

40 For the single-prime contract system all bidders must identify on their bid the
41 contractors they have selected for the subdivisions or branches of work for:

- 42 (1) Heating, ventilating, and air conditioning;
43 (2) Plumbing;
44 (2a) Fire sprinkler system (if required);

1 (3) Electrical; and

2 (4) General."

3 Sec. 3. This act becomes effective with respect to contracts entered into on or

4 after October 1, 1993.