

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 1383*

Short Title: DOT Contract Provision Changes.

(Public)

Sponsors: Senator Jenkins.

Referred to: Judiciary I.

May 16, 2006

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE BOARD OF TRANSPORTATION TO APPROVE
2 STANDARD DEPARTMENT OF TRANSPORTATION CONTRACT
3 PROVISIONS ON DIFFERING SITE CONDITIONS, SUSPENSIONS OF WORK,
4 AND CHANGES IN CHARACTER OF WORK, AS RECOMMENDED BY THE
5 JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.
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7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-28.1(a) reads as rewritten:

9 "(a) All contracts over one million two hundred thousand dollars (\$1,200,000) that
10 the Department of Transportation may let for construction or repair necessary to carry
11 out the provisions of this Chapter shall be let to a responsible bidder after public
12 advertising under rules and regulations to be made and published by the Department of
13 Transportation. The right to reject any and all bids shall be reserved to the Board of
14 Transportation. Contracts for construction or repair for federal aid projects entered into
15 pursuant to this section shall not contain the standardized contract clauses prescribed by
16 23 U.S.C. § 112(e) and ~~23 C.F.R. § 635.131(a)~~ 23 C.F.R. § 635.109 for differing site
17 conditions, suspensions of work ordered by the engineer or significant changes in the
18 character of the work. For those federal aid projects, the Department of Transportation
19 shall use only the contract provisions ~~provided in~~ for differing site conditions,
20 suspensions of work ordered by the engineer, or significant changes in the character of
21 the work developed by the North Carolina Department of Transportation, Standard
22 Specifications for Roads and Structures, January 1, 1984, except as each may be
23 changed or provided for by rule adopted Transportation and approved by the Board of
24 Transportation in accordance with the Administrative Procedure Act. Transportation."

25 **SECTION 2.** This act becomes effective July 1, 2006.