

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 2174\***

Short Title: DOT Contracts/Informal Bid Limit. (Public)

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Sponsors: Representatives Wainwright; Carney, Farmer-Butterfield, Hall, Harrison, Hughes, and Pierce.

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Referred to: Transportation.

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May 19, 2008

A BILL TO BE ENTITLED  
AN ACT TO INCREASE THE INFORMAL BID LIMIT FOR DEPARTMENT OF  
TRANSPORTATION PROJECTS, AS RECOMMENDED BY THE JOINT  
LEGISLATIVE COMMISSION ON THE DEPARTMENT OF  
TRANSPORTATION DISADVANTAGED MINORITY-OWNED AND  
WOMEN-OWNED BUSINESSES PROGRAM.

The General Assembly of North Carolina enacts:

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

"(a) All contracts over ~~one million two hundred thousand dollars (\$1,200,000)~~ two million five hundred thousand dollars (\$2,500,000) 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. § 635.109 for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. For those federal aid projects, the Department of Transportation shall use only the contract provisions for differing site conditions, suspensions of work ordered by the engineer, or significant changes in the character of the work developed by the North Carolina Department of Transportation and approved by the Board of Transportation."

**SECTION 2.** 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, maintenance, or repair is ~~one million two hundred thousand dollars (\$1,200,000)~~ two million five hundred thousand dollars (\$2,500,000) 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

1 contracts shall be awarded to the lowest responsible bidder. The Secretary of  
2 Transportation shall keep a record of all bids submitted, which record shall be subject to  
3 public inspection at any time after the bids are opened."

4 **SECTION 3.** This act is effective when it becomes law.