

§ 143-134. Applicable to Department of Transportation and Department of Adult Correction; exceptions; all contracts subject to review by Attorney General and State Auditor.

(a) This Article applies to the Department of Transportation and the Department of Adult Correction except in the construction of roads, bridges and their approaches; provided however, that whenever the Director of the Budget determines that the repair or construction of a building by the Department of Transportation or by the Department of Adult Correction can be done more economically through use of employees of the Department of Transportation and/or prison inmates than by letting the repair or building construction to contract, the provisions of this Article shall not apply to the repair or construction.

(b) Notwithstanding subsection (a) of this section, the Department of Transportation and the Department of Adult Correction shall: (i) submit all proposed contracts for supplies, materials, printing, equipment, and contractual services that exceed one million dollars (\$1,000,000) to the Attorney General or the Attorney General's designee for review as provided in G.S. 114-8.3; and (ii) include in all contracts to be awarded by the Department of Transportation or the Department of Adult Correction a standard clause providing that the State Auditor and internal auditors of the Department of Transportation or the Department of Adult Correction may audit the records of the contractor during and after the term of the contract to verify accounts and data affecting fees and performance. Neither the Department of Transportation nor the Department of Adult Correction shall award a cost plus percentage of cost agreement or contract for any purpose.

(c) Notwithstanding subsection (a) of this section, this Article does not apply to public building contracts entered into by the Department of Transportation for the construction, alteration, or repair of facilities jointly occupied by personnel of the Division of Motor Vehicles, of the Department of Transportation, and the North Carolina Highway Patrol, but, with respect to these contracts, the powers and duties established in this Article shall be exercised by the Department of Transportation and the Secretary of Administration, and other State officers, employees, or agencies shall have no duties or responsibilities concerning the contracts. The Department of Transportation shall advertise and award contracts in the manner required by this Article. Upon request, the Department of Administration shall assist the Department of Transportation in advertising and awarding a contract under this subsection. Construction, alteration, and repair of facilities under this subsection may be subject to local building permit requirements. (1933, c. 400, s. 3-A; 1955, c. 572; 1957, c. 65, s. 11; 1967, c. 860; c. 996, s. 13; 1973, c. 507, s. 5; 1977, c. 464, s. 34; 2010-194, s. 24; 2011-145, s. 19.1(h); 2011-326, s. 15(y); 2012-83, s. 45; 2013-289, s. 1; 2021-180, s. 19C.9(n); 2024-15, s. 6(a).)