

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**HOUSE BILL 856
RATIFIED BILL**

AN ACT TO ALLOW CARTERET COUNTY TO ENTER INTO SEPARATE-PRIME CONTRACTS OR A SINGLE-PRIME CONTRACT IN THE RENOVATION OF THE FORMER A&P SHOPPING CENTER IN MOREHEAD CITY FOR THE CARTERET COUNTY HEALTH AND HUMAN SERVICES BUILDING.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Authority to Seek Bids Under Separate-Prime or Separate-Prime and Single-Prime Systems. – Notwithstanding G.S. 143-128 or any other provisions of law, Carteret County may seek bids for the renovation of the former A&P Shopping Center in Morehead City for the Carteret County Health and Human Services Building under the separate-prime contract system or both the separate-prime and single-prime contract systems.

SECTION 1.(b) Standard for Award of Bids. – If the county seeks bids under only the separate-prime contract system, the county shall award the contract to the lowest responsible bidder, taking into consideration quality, performance, and time specified in the bids for performance of the contract.

If the county seeks bids under both the separate-prime and the single-prime contract systems, the county shall award the contract to the lowest responsible bidder under the single-prime system or the lowest responsible bidder under the separate-prime system, taking into consideration quality, performance, and time specified in the bids for performance of the contract. In determining the system under which the contract will be awarded, the county may consider cost of construction oversight, time for completion of the project, ability to control and coordinate the project, safety concerns regarding the removal of asbestos and lead paint, and other factors it deems appropriate.

SECTION 1.(c) Minimum Number of Bids Required. – The county shall not open any bid solicited under this act unless it receives at least three competitive bids from reputable and qualified contractors regularly engaged in their respective businesses. In calculating the number of bids required, either a full set of separate-prime bids or one single-prime bid shall constitute a bid.

If the county seeks bids under both the separate-prime and the single-prime systems, the county is not required to receive at least one full set of separate-prime bids or at least one bid from a general contractor under the separate-prime system. The bids received as separate-prime bids shall be submitted three hours prior to the deadline for the submission of single-prime bids. The amount of a bid submitted by a subcontractor to the general contractor under the single-prime system shall not exceed the amount bid, if any, for the same work by the subcontractor to the county under the separate-prime system. Each single-prime bid shall identify the contractors selected to perform the three major subdivisions or branches of work and shall list the contractors' respective bid prices for those branches of work.

If, after advertisement, the county has not received the minimum number of competitive bids as required by this subsection, the county shall again advertise for bids. If the required minimum number of bids is not received after the second advertisement, the county may let the contract to the lowest responsible bidder that submitted a bid for the project, even though the county received only one bid.

SECTION 1.(d) Applicability of General Statutes. – All provisions of Article 8 of Chapter 143 of the General Statutes that are not inconsistent with this act shall apply to the county.

SECTION 2. This act is effective when it becomes law and expires July 1, 2002.

In the General Assembly read three times and ratified this the 14th day of May, 2001.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives