

Bidding Laws and Local Policies: Building Construction and Repair Contracts

("G.S." stands for the North Carolina General Statutes. Refer to the statutes for explanations, details, and exceptions.)

Contract amount:	\$0	\$30,000	\$300,000	\$500,000
Advertisement (G.S. 143-129)	G.S. – no ads required <i>Local policies may require specific method/timing of ads</i>		G.S. – newspaper or electronic ads for full 7 days before bid opening (board approval for electronic only) <i>Local policies may require extra time / locations for ads</i>	
Minimum # of bids (G.S. 143-132)	G.S. – no minimum <i>Local policies may require a minimum</i>		G.S. – minimum of three bids is required <i>Local policies may require more than three bids</i>	
Form of bids (G.S. 143-129, 143-131)	G.S. – no specific form required (email, phone, fax, mail all acceptable) <i>Local policies may require a specific form</i>		G.S. – bids must be sealed <i>Local policies <u>must</u> comply with G.S.</i>	
Record of bids (G.S. 143-129, 143-131)	G.S. – not required <i>Local policies may require a record</i>	G.S. – must keep a record of all bids received <i>Local policies <u>must</u> comply with G.S.</i>		G.S. – because bids are public, no separate record is required. <i>Local policies <u>must</u> comply with G.S.</i>
Bid opening (G.S. 143-129, 143-131)	G.S. – public bid opening not required <i>Local policies may require a public bid opening</i>		G.S. – public bid opening required <i>Local policies <u>must</u> comply with G.S.</i>	
Bid bonds/deposit (G.S. 143-129)	G.S. – bid bonds not required <i>Local policies may require bid bonds</i>		G.S. – bid bond/deposit (5% of bid amount) required <i>Local policies may require more than 5%</i>	
Performance/payment bonds (G.S. 44A-26, 143-129)	G.S. – performance and payment bonds are not required <i>Local policies may require bonds</i>		G.S. – Performance and payment bonds are required (100% of bid amount) for contracts costing more than \$50,000 that are part of a project costing more than \$300,000. <i>Local policies <u>must</u> comply with GS</i>	
HUB participation goals (G.S. 143-128.2, 143-131)	G.S. – not required unless part of State-funded project worth \$100,000 or more <i>Local policies may require good faith efforts/goals for other projects</i>	G.S. – document good faith efforts; report to HUB <i>Local policies <u>must</u> comply with G.S.</i>	G.S. – good faith efforts to reach goals; bidders must submit affidavits so local government can verify bidders' good faith efforts; report to HUB <i>Local policies <u>must</u> comply with G.S.</i>	
Separate specifications (G.S. 143-128)	G.S. – separate specs not required <i>Local policies may require separate specs</i>		G.S. – separate specs required for plumbing, electrical, HVAC, and general <i>Local policies may require additional specs</i>	
Licensed contractor (G.S. 87-1, 87-1.1, 143-139.1)	G.S. – must use licensed general contractor if part of a project worth more than \$30K <i>Local policies <u>must</u> comply with G.S.</i>			
Construction methods (G.S. 143-128)	G.S. – no specific methods must be used <i>Local policies may require specific methods</i>		G.S. – must use single-prime, separate-prime, dual bidding, or construction management at risk; may use alternate methods only if approved by the State Building Commission or authorized by local act <i>Local policies <u>must</u> comply with G.S.</i>	
Board approval (G.S. 143-129, 143-131)	G.S. – not required <i>Local policies may require board approval</i>		G.S. – board approval required; cannot be delegated <i>Local policies <u>must</u> comply with G.S.</i>	
Standard of award (G.S. 143-129, 143-131)	G.S. – no standard given <i>Local policies may require a specific standard</i>	G.S. – award to lowest responsive, responsible bidder <i>Local policies <u>must</u> comply with G.S.</i>		
Dispute resolution (G.S. 143-128(f1))	G.S. – must adopt own dispute resolution process (including mediation) or process adopted by the State Building Commission; available to all parties, with amount-in-controversy not less than \$15,000 <i>Local policies <u>must</u> comply with G.S. (which permits adoption of unit's own dispute resolution process)</i>			
Public records (G.S. 132-1, 132-6, 143-131)	G.S. – bids become public record when received <i>Local policies <u>must</u> comply with G.S.</i>	G.S. – record of bids not subject to public inspection until contract award <i>Local policies may permit public inspection before award</i>	G.S. – bids become public record once opened <i>Local policies <u>must</u> comply with G.S.</i>	