

TABLE 4. 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 Local policies —may require specific method/timing of ads			G.S.—newspaper or electronic ads for full 7 days before bid opening (advertising by electronic means only requires board approval) Local policies —may require extra time/locations for ads
Minimum number of bids (G.S. 143-132)	G.S.—no minimum Local policies —may require a minimum			G.S.—minimum of 3 bids is required Local policies —may require more than 3 bids
Form of bids (G.S. 143-129, 143-131)	G.S.—no specific form required (e-mail, phone, fax, mail all acceptable) Local policies —may require a specific form			G.S.—bids must be sealed Local policies —must comply with G.S.
Record of bids (G.S. 143-129, 143-131)	G.S.—not required Local policies —may require a record	G.S.—must keep a record of all bids received Local policies —must comply with G.S.		G.S.—because bids are public, no separate record is required Local policies —must comply with G.S.
Bid opening (G.S. 143-129, 143-131)	G.S.—public bid opening not required Local policies —may require a public bid opening			G.S.—public bid opening required Local policies —must comply with G.S.
Bid bonds/deposit (G.S. 143-129)	G.S.—bid bonds not required Local policies —may require bid bonds			G.S.—bid bond/deposit (5% of bid amount) required Local policies —may require more than 5%
Performance/payment bonds (G.S. 44A-26, 143-129)	G.S.—performance and payment bonds are not required Local policies —may require bonds	G.S.—performance and payment bonds are required (100% of bid amount) for contracts costing more than \$300,000 Local policies —must comply with G.S.		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
Historically underutilized business (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 Local policies —may require good faith efforts/goals for other projects	G.S.—document good faith efforts; report to HUB Office Local policies —must comply with G.S.	G.S.—good faith efforts to reach goals; bidders must submit affidavits so local government can verify bidders' good faith efforts; report to HUB Office Local policies —must comply with G.S.	
Separate specifications (G.S. 143-128)	G.S.—separate specifications not required Local policies —may require separate specifications			G.S.—separate specifications required for plumbing, electrical, HVAC, and general work Local policies —may require additional specifications
Licensed contractor (G.S. 87-1, 87-1.1, 143-139.1)	G.S.—must use a licensed general contractor if the contract is part of a project worth more than \$30,000 Local policies —must comply with G.S.			
Construction methods (G.S. 143-128)	G.S.—no specific methods must be used Local policies —may require specific methods			G.S.—must use single-prime, separate-prime, dual-bidding, or construction-management-at-risk method; alternate methods may be used only if approved by the State Building Commission or authorized by local act Local policies —must comply with G.S.
Board approval (G.S. 143-129, 143-131)	G.S.—not required Local policies —may require board approval			G.S.—board approval required; cannot be delegated Local policies —must comply with G.S.
Standard of award (G.S. 143-129, 143-131)	G.S.—no standard given Local policies —may require a specific standard	G.S.—award to lowest responsive, responsible bidder Local policies —must comply with G.S.		
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 Local policies —must comply with G.S. (which permits adoption of unit's own dispute resolution process)			
Public records (G.S. 132-1, 132-6, 143-131)	G.S.—bids become public record when received Local policies —must comply with G.S.	G.S.—record of bids not subject to public inspection until contract award Local policies —may permit public inspection before award		G.S.—bids become public record once opened Local policies —must comply with G.S.