



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
H. Martin Lancaster, President

January 14, 2002

IMPORTANT

MEMORANDUM

To: Capital Project Coordinators

From: Philip Albano
Director of Administrative &
Facility Services

Subject: Important Bidding Changes (Senate Bill 914)

On December 5, 2001, the General Assembly ratified Senate Bill 914. This is the new construction legislation that will have a major affect on many of our construction practices. Much of this legislation was effective January 1, 2002, but many of the procedures, rules, instructions, forms, etc., are not yet in place. The Department of Administration (DOA), the State Construction office (SCO), the State Building Commission, the Office for Historically Underutilized Businesses (HUB Office), and the State Energy Office are working to implement the legislation.

On Friday, January 11, 2002, the SCO held a meeting to discuss the immediate impact that this legislation would have on all construction projects, both bond and non-bond, that recently have been advertised for the receipt of bids, or will be advertised in the near future. If your advertisement for bids was published **prior to** January 1, 2002, your project will continue to use the bidding rules and forms that were in place at that time. If for some reason you should have to rebid this project, you must comply with the new legislation.

If your advertisement for bids was published **on or after** January 1, 2002, your project will be impacted by this legislation and you need to comply with the new legislation. If you are in this situation, you should have your designer immediately contact Mr. Bill Davis with the SCO for the new forms and instructions that now must be given to the prospective bidders, probably as an addendum, and new procedures for opening bids. These materials should be available on the SCO web page (<http://interscope2.doa.state.nc.us/main.htm>) shortly.

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If your advertisement for bids **will be published on or after** January 1, 2002, your project will be impacted by this legislation and you will need to comply with the new legislation. If you are in this situation, you should make your designer aware that new forms and instructions will be required in your bid documents.

For small projects that do not go through the review of the SCO, you must comply with the new informal bidding rules of G.S. 143-131, part of which reads as follows:

“All public entities shall solicit minority participation in contracts for the erection, construction, alteration or repair of any building awarded pursuant to this section. The public entity shall maintain a record of contractors solicited and shall document efforts to recruit minority business participation in those contracts. Nothing in this section shall be construed to require formal advertisement of bids. All data, including the type of project, total dollar value of the project, dollar value of minority business participation on each project, and documentation of efforts to recruit minority participation shall be reported to the Department of Administration, Office for Historically Underutilized Business, upon the completion of the project.”

I will be sending more information, including a synopsis of the bill, in the near future. Additionally, the Institute of Government is analyzing the legislation and preparing a publication. **They are also planning to broadcast a statewide training session for public agencies, including community colleges and universities, that is expected to be aired on February 20, 2002, from 1:00-5:30 PM.** I will keep you posted as we learn more about both of these.

In order for us to keep abreast of bid openings, please notify Mr. Ron Mason in our office prior to publishing an advertisement for the opening of bids.

PVA/rm

c: Business Officials
Presidents
Facility Operators