

1 The Transylvania County Board of Education (the “board”) strives to obtain high quality
2 services at a reasonable price through the bidding process employed by the school system.
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4 **A. STANDARDS FOR PARTICIPATION IN CONSTRUCTION CONTRACTS**
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6 All contracts formally or informally bid will be awarded to the lowest responsible bidder,
7 taking into consideration quality, performance, reliability, and the time specified in the
8 bids for performance of the contract. Contracts will contain a provision stating that the
9 contractor and contractor’s subcontractors, if any, must comply with the requirements of
10 G.S. Chapter 64, Article 2. Prior to bidding, contractors may be required to prequalify if
11 the board has elected to use this process. For all contracts valued at \$1,000 or more, the
12 board will require each bidder or vendor to certify that it is not listed on the state
13 treasurer’s Final Divestment List or Iran Parent and Subsidiary Guidance list, as required
14 by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.
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16 The board prohibits discrimination against any person or business on the basis of race,
17 color, ethnic origin, sex, disability, or religion. In addition, in accordance with G.S. 143-
18 133.5, the board prohibits discrimination against a bidder or contractor for being party to,
19 refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor
20 organization. The superintendent is required to conduct contracting and purchasing
21 programs so as to prevent such discrimination.
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23 The superintendent, on behalf of the board, must certify that good faith efforts have been
24 made to increase the participation in construction contracts by minority-owned and
25 female-owned businesses, as required by policy 9125, Participation by Minority
26 Businesses.
27

28 The board will grant a North Carolina resident firm providing architectural, engineering,
29 surveying, construction management at-risk service, design-build services, or public-
30 private construction services a preference over a nonresident firm, if the home state of the
31 nonresident firm has a practice of granting a preference to its resident firms over North
32 Carolina resident firms. Any preference granted to a resident firm will be in the same
33 manner, on the same basis, and to the same extent as the preference granted by the
34 nonresident firm’s home state. The school system’s bid documents will require that
35 nonresident firms disclose and describe any construction contract preferences granted by
36 the firm’s home state.
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38 **B. BIDDING METHODS**
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40 The board may request bids for contracts for building projects using single prime, multi-
41 prime (separate prime), construction management at-risk, dual bidding, design-build,
42 design-build bridging, and public-private partnership methods, as permitted by law. The
43 superintendent shall make a recommendation to the board as to the method(s) that should
44 be used for a particular project.

45
46 If the superintendent believes the project cannot be reasonably completed under the
47 methods authorized by G.S. 143-128, the superintendent shall so inform the board and
48 make the recommendation to the board that it approve the use of alternative methods.
49 Upon board approval, the superintendent shall submit to the State Building Commission a
50 request to use an alternative contracting method along with supporting documentation.
51

52 **C. FORMAL BIDDING**

53
54 Construction and repair work requiring the estimated expenditure of \$500,000 or more
55 will be advertised for bid and will be awarded through formal bidding procedures.
56 Dividing contracts to lower the expenditure amounts so as to evade these requirements is
57 prohibited. The board authorizes the use of newspaper advertisement, electronic
58 advertisement, or both for formal bids; however, the superintendent has the authority to
59 determine which method will be used for a specific purchase or categories of purchases.
60 The superintendent shall establish formal bidding procedures consistent with this policy
61 and applicable law and make the procedures available to all bidders or potential bidders.
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63 **D. INFORMAL BIDDING**

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65 Informal bids will be obtained for construction and repair contracts between \$30,000 and
66 \$500,000. Quotations from contractors may be solicited by telephone or in writing.
67 Informal bids are recommended, but not required, for construction and repair work
68 costing less than \$30,000.
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70 Dividing contracts to lower the expenditure amounts so as to evade the informal bidding
71 requirements is prohibited. The superintendent shall develop informal bidding
72 procedures consistent with this policy and applicable law and make the procedures
73 available to all bidders and potential bidders.
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75 **E. APPROVAL**

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77 All formally bid construction contracts must be reviewed by the board attorney ~~and~~
78 ~~submitted by the superintendent to the board for approval.~~

79
80 The superintendent shall consult with the board attorney in developing standard form
81 contracts for informally bid construction projects. ~~Board approval of informally bid~~
82 ~~projects is not required, unless otherwise directed by the board on specific projects.~~

83
84 **Any construction or repair contract involving expenditures in excess of \$90,000 must be**
85 **reviewed by the board attorney and approved in advance by the board unless provided**
86 **otherwise in board policy. Unless otherwise prohibited by statute or regulation, the**
87 **superintendent or designee is authorized to enter into construction or repair contracts**
88 **involving amounts up to \$90,000. Change orders for construction and repair contracts**

89 will be subject to the requirements of policy 9030, Facility Construction, not this
90 provision.
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92 **F. RECORDS AND REPORTING REQUIREMENTS**
93

94 Records of all informal or formal bids received will be maintained and will be available
95 for public inspection. Such records should include the date the bid is received, from
96 whom it is received, and what project it is for. The records will document why the
97 selected contractor was the lowest responsive, responsible bidder if the contractor was
98 not the low bidder.
99

100 The superintendent must submit required reports to the State and provide reports to the
101 board on the progress being made towards reaching the board's goals.
102

103 ~~At least monthly, the superintendent shall report to the board all contracts approved by~~
104 ~~the superintendent under this policy that exceed \$ _____.~~
105

106 **G. DISPUTE RESOLUTION PROCESS**
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108 The board establishes the following dispute resolution process to resolve issues arising
109 out of construction and repair projects or contracts related to such projects. The dispute
110 resolution process may be used by any party involved in the construction project for those
111 disputes in which the amount in controversy is at least \$15,000.
112

113 Prior to initiating litigation concerning a dispute, parties to the dispute must do the
114 following: (1) submit the dispute for review by the superintendent or other designated
115 school official and the project architect, as appropriate, and (2) participate in mediation, if
116 the matter cannot be resolved by school officials and the architect. The cost of the
117 dispute resolution process will be divided between the parties to the dispute. If the board
118 is a party to the dispute, the board will pay at least one-third of the cost.
119

120 Legal References: G.S. 64, art. 2; 115C-521, -522; 143-64.31 and art. 8; 147, art. 6E
121

122 Cross References: ~~Contracts with the Board (policy 6420), Facility Construction (policy 9030),~~
123 ~~Prequalification of Bidders for Construction Projects (policy 9115), Participation by Minority~~
124 ~~Businesses (policy 9125)~~
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126 Adopted: June 20, 2016
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128 Revised: [DATE]
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