

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. **No contract may be entered into with a**  
12 **restricted company as listed by the state treasurer in accordance with G.S. 147, art. 6E or**  
13 **6G, except as permitted by those laws.** ~~For all contracts valued at \$1,000 or more, the~~  
14 ~~board will require each bidder or vendor to certify that it is not listed on the state~~  
15 ~~treasurer’s Final Divestment List or Iran Parent and Subsidiary Guidance list, as required~~  
16 ~~by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.~~  
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18 The board prohibits discrimination against any person or business on the basis of race,  
19 color, ethnic origin, sex, disability, or religion. In addition, in accordance with G.S. 143-  
20 133.5, the board prohibits discrimination against a bidder or contractor for being party to,  
21 refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor  
22 organization. The superintendent is required to conduct contracting and purchasing  
23 programs so as to prevent such discrimination.  
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25 The superintendent, on behalf of the board, must certify that good faith efforts have been  
26 made to increase the participation in construction contracts by minority-owned and  
27 female-owned businesses, as required by policy 9125, Participation by Minority  
28 Businesses.  
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30 The board will grant a North Carolina resident firm providing architectural, engineering,  
31 surveying, construction management at-risk service, design-build services, or public-  
32 private construction services a preference over a nonresident firm, if the home state of the  
33 nonresident firm has a practice of granting a preference to its resident firms over North  
34 Carolina resident firms. Any preference granted to a resident firm will be in the same  
35 manner, on the same basis, and to the same extent as the preference granted by the  
36 nonresident firm’s home state. The school system’s bid documents will require that  
37 nonresident firms disclose and describe any construction contract preferences granted by  
38 the firm’s home state.  
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40 **B. BIDDING METHODS**  
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42 The board may request bids for contracts for building projects using single prime, multi-  
43 prime (separate prime), construction management at-risk, dual bidding, design-build,  
44 design-build bridging, and public-private partnership methods, as permitted by law. The

45 superintendent shall make a recommendation to the board as to the method(s) that should  
46 be used for a particular project.

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

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54 **C. FORMAL BIDDING**

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

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65 **D. INFORMAL BIDDING**

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67 Informal bids will be obtained for construction and repair contracts between \$30,000 and  
68 \$500,000. Quotations from contractors may be solicited by telephone or in writing.  
69 Informal bids are recommended, but not required, for construction and repair work  
70 costing less than \$30,000.

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72 Dividing contracts to lower the expenditure amounts so as to evade the informal bidding  
73 requirements is prohibited. The superintendent shall develop informal bidding  
74 procedures consistent with this policy and applicable law and make the procedures  
75 available to all bidders and potential bidders.

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77 **E. APPROVAL**

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79 All formally bid construction contracts must be reviewed by the board attorney. The  
80 superintendent shall consult with the board attorney in developing standard form  
81 contracts for informally bid construction projects.

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

88 will be subject to the requirements of policy 9030, Facility Construction, not this  
89 provision.  
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91 **F. RECORDS AND REPORTING REQUIREMENTS**  
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93 Records of all informal or formal bids received will be maintained and will be available  
94 for public inspection. Such records should include the date the bid is received, from  
95 whom it is received, and what project it is for. The records will document why the  
96 selected contractor was the lowest responsive, responsible bidder if the contractor was  
97 not the low bidder.  
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99 The superintendent must submit required reports to the State and provide reports to the  
100 board on the progress being made towards reaching the board's goals.  
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102 **G. DISPUTE RESOLUTION PROCESS**  
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104 The board establishes the following dispute resolution process to resolve issues arising  
105 out of construction and repair projects or contracts related to such projects. The dispute  
106 resolution process may be used by any party involved in the construction project for those  
107 disputes in which the amount in controversy is at least \$15,000.  
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109 Prior to initiating litigation concerning a dispute, parties to the dispute must do the  
110 following: (1) submit the dispute for review by the superintendent or other designated  
111 school official and the project architect, as appropriate, and (2) participate in mediation, if  
112 the matter cannot be resolved by school officials and the architect. The cost of the  
113 dispute resolution process will be divided between the parties to the dispute. If the board  
114 is a party to the dispute, the board will pay at least one-third of the cost.  
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116 Legal References: G.S. 64, art. 2; 115C-521, -522; 143-64.31 and art. 8; 147, art. 6E, **art. 6G**  
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118 Cross References: Contracts with the Board (policy 6420), Facility Construction (policy 9030),  
119 Prequalification of Bidders for Construction Projects (policy 9115), Participation by Minority  
120 Businesses (policy 9125)  
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122 Adopted: June 20, 2016  
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124 Revised: September 19, 2016; **[DATE]**