

## **6040 BIDDING FOR CONSTRUCTION OR REPAIR WORK**

All contracts formally or informally bid will be awarded to the lowest responsive bidder, taking into consideration quality, performance, reliability, and the time specified in the bids for performance of the contract. Contracts will contain a provision stating that the contractor and contractor's subcontractors, if any, must comply with the requirements of G.S. Chapter 64, Article 2. Prior to bidding, contractors may be required to prequalify if the board has elected to use this process. For all contracts valued at \$1,000 or more, the board will require each bidder or vendor to certify that it is not listed on the state treasurer's Final Divestment List or Iran Parent and Subsidiary Guidance list, as required by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.

The board prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, disability, or religion. In addition, in accordance with G.S. 143-133.5, the board prohibits discrimination against a bidder or contractor for being party to, refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor organization. The superintendent is required to conduct contracting and purchasing programs so as to prevent such discrimination.

### **A. Informal**

Informal bids shall be obtained for construction and repair contracts between \$5,000 and \$500,000. Quotations from contractors may be solicited by telephone or written quotes. Informal bids are recommended, but not required, for construction and repair work costing less than \$5,000. Contracts involving expenditures exceeding \$50,000 must receive prior approval from the Board. See Board Policy [6000](#), Purchase of Equipment, Materials, and Supplies for procedures governing expenditures less than \$50,000.

All contracts for construction or repair work costing less than \$500,000 shall comply with the requirements of state law. Dividing contracts to evade the informal bidding requirements is prohibited.

The standards for awarding informal contracts are the same as those standards for formal ones. Such contracts shall be awarded to the lowest responsible bidder, considering quality and the time specified in the bids for performance on the contract.

Records of all informal bids shall be kept by the initiator of the purchase requisition for the time required by statute or regulation and shall be available to public inspection. Such records should include the date the bid is received, from whom it is received, and for what project. If an award is made to other than the low bidder, the reasons for such an award should be thoroughly documented.

### **B. Formal**

Construction and repair work requiring the estimated expenditure in excess of \$500,000 shall be bid using formal bidding procedures in accordance with state law. Dividing contracts to evade these requirements is prohibited.

All construction or repair contracts which require public advertising and competitive bidding shall be awarded by action of the Board upon the recommendation of the Superintendent or his/her designee.

#### C. Regulations

The Superintendent shall develop regulations and procedures for the implementation of this policy.

LEGAL REFERENCE: G.S. 64, art. 2; G.S. 115C-521, -522; ~~524~~; 143-64.31 and ~~128 to 135~~  
and art. 8; 147, art. 6E

CROSS REFERENCE: Purchase of Equipment, Materials, and Supplies (Policy 6000); Minority Business Enterprise Participation in Construction and Contracts (Policy ~~6050~~)

ADOPTED: February 7, 2005

AMENDED: March 10, 2014; January 5, 2015