

March 24, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. *TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND TO CLARIFY THE APPLICATION OF THIS PROCESS.*

Amends GS 136-28.1 to clarify that in all contracts over \$1.2 million that the Department of Transportation (DOT) may let for construction, *maintenance*, or repair to a responsible bidder after public advertising. Provides that DOT may solicit proposals for contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with the planning, design, maintenance, repair, and construction of transportation infrastructure (was, highway construction, maintenance, or repair). Differentiates contracts under \$1.2 million for highway construction or repair from contracts under \$1.2 million per year or less for highway maintenance, although retains that both require the solicitation of at least three informal bids. Makes a conforming change to GS 136-28.10(a) (Highway Fund and Highway Trust Fund Small Project Bidding). Effective July 1, 2009.

Intro. by Jenkins.

GS 136

May 11, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. To be summarized in tomorrow's *Daily Bulletin*.

May 12, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. Senate committee substitute makes the following changes to 1st edition. Changes the sunset date for the provisions of GS 136-28.4 [setting out state policy concerning participation by disadvantaged minority-owned and women-owned businesses in transportation (was, highway contracts)] to August 31, 2014 (was, August 31, 2009).

Rewrites the title of GS Chapter 136 as *Transportation* (was, *Roads and Highways*). Enacts new GS 136-4A to define *transportation system* as the term is used in GS Chapter 136 to mean all modes of transportation infrastructure owned and maintained by the North Carolina Department of Transportation, including roads, highways, rail, ferry, aviation, public transportation, and bicycle and pedestrian facilities. Rewrites the title of Article 2A of GS Chapter 136 as *Transportation Generally* (was, *State Roads Generally*) and rewrites Article 3A as *Transportation Systems in and around Municipalities* (was, *Streets and Highways in and around Municipalities*). Makes multiple conforming changes to the provisions of GS Chapter 136 to insert the terms *transportation*, *transportation system*, and *transportation infrastructure* in alignment with the Department of Transportation's (DOT) focus on all modes of transportation infrastructure.

Amends GS 136-66.5 to provide that the contracts between the DOT and municipalities for improvement projects (was, highway improvement projects) are part of an overall plan authorized under § 135 of Title 23 of the United States Code, the purpose of which is to facilitate the flow of people and goods (was, the flow of traffic) in urban areas. Makes additional changes to substitute the US Department of Transportation where the previous reference had been to the Federal Highway Administration.

Makes conforming changes to the title.

May 12, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. Senate amendment makes the following changes to 2nd edition. Amends proposed changes to GS 136-28.1(b) by excluding resurfacing from highway maintenance work for which three informal bids must be sought.

June 4, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. House committee substitute makes the following changes to 3rd edition.

Amends GS 136-28.1(e) to provide that upon a determination by the Secretary of Transportation (Secretary) or the Secretary's designee (was, the Secretary or the State Highway Administrator) that an emergency exists, the Department of Transportation (DOT) may enter into contracts for construction, maintenance, or repair without complying with the bidding requirements under GS 136-28.1. Deletes proposed amendment to GS 136-28.4(e) that extended the sunset on the DOT's disadvantaged minority-owned and women-owned businesses program to August 31, 2014; instead amends the sunset date from August 31, 2009, to August 31, 2010.

Amends GS 136-18(39) to clarify that the DOT's scope and focus is on all transportation infrastructure. Amends GS 136-29 to provide that the adjustment and resolution of DOT contract claims is to be handled by the Secretary or the Secretary's designee (was, State Highway Administrator). Provides that a contractor who contracts with the DOT in accordance with Article 2 of GS Chapter 136 (was, contracts to construct a state highway) is to file any claims to resolve payment disputes with the Secretary (was, State Highway Administrator). Amends GS 136-35 to provide that the DOT may enter into reciprocal agreements with the United States Department of Transportation (was, the Federal Highway Administration).

Makes technical changes.

June 24, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. House committee substitute makes the following changes to 4th edition. Changes the effective date from July 1, 2009, to August 1, 2009. Makes technical changes.

June 25, 2009

S 828. BIDDING PROCESS CHANGES/MAINTENANCE AND OP. Filed 3/24/09. House amendment makes the following changes to 5th edition. Changes proposed new GS 136-4A to GS 136-5.1.

July 13, 2009

SL 2009-266 (S 828). BIDDING PROCESS CHANGES/MAINTENANCE AND OP. AN ACT TO INCREASE THE MAXIMUM AMOUNT AT WHICH PROJECTS MAY UNDERGO AN INFORMAL BIDDING PROCESS AND CLARIFY THE APPLICATION OF THIS PROCESS, TO CONTINUE THE DEPARTMENT OF TRANSPORTATION'S PROGRAM FOR PARTICIPATION OF DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES, AND TO AMEND VARIOUS STATUTES IN CHAPTER 136 OF THE GENERAL STATUTES TO CONFORM WITH THE DEPARTMENT'S FOCUS ON ALL MODES OF TRANSPORTATION INFRASTRUCTURE. Summarized in *Daily Bulletin* 3/24/09, 5/11/09, 5/12/09, 6/4/09, 6/24/09, and 6/25/09. Enacted July 10, 2009. Effective August 1, 2009.