

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 78
SENATE BILL 460

AN ACT TO CONTINUE THE PRESENT HIGHWAY CONTRACT CLAUSES IN
HIGHWAY CONSTRUCTION CONTRACTS MADE NECESSARY BY
FEDERAL LEGISLATION.

Whereas, the Federal-Aid Highway Act of 1987 prescribed the use of certain standardized contract clauses in contracts for highway construction; and

Whereas, the State of North Carolina rejects the use of those federal-aid standardized contract clauses and adopts those contract clauses currently used, subject to change by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act, pursuant to the provisions of 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(b); Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-28.1(a) reads as rewritten:

"(a) All contracts over one hundred fifty thousand dollars (\$150,000) that the Department of Transportation may let for construction or repair necessary to carry out the provisions of this Chapter shall be let to a responsible bidder after public advertising under rules and regulations to be made and published by the Department of Transportation. The right to reject any and all bids shall be reserved to the Board of Transportation. Contracts for construction or repair for federal-aid projects entered into pursuant to this section shall not contain the standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.131(a) for differing site conditions, suspensions of work ordered by the engineer or significant changes in the character of the work. The Department of Transportation shall use only the contract provisions provided in the North Carolina Department of Transportation, Standard Specifications for Roads and Structures, January 1, 1984, except as each may be changed or provided for by rule adopted by the Board of Transportation in accordance with the Administrative Procedure Act."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 1st day of May, 1989.