

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

S

1

SENATE BILL 1384*

Short Title: DOT Perf.-Based Maintenance Contract Bonds. (Public)

Sponsors: Senator Jenkins.

Referred to: Commerce.

May 16, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE BONDING REQUIREMENTS FOR UP TO TWO
3 DEPARTMENT OF TRANSPORTATION PERFORMANCE-BASED
4 CONTRACTS FOR ROUTINE MAINTENANCE AND OPERATIONS, AS
5 RECOMMENDED BY THE JOINT LEGISLATIVE TRANSPORTATION
6 OVERSIGHT COMMITTEE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 28.10 of S.L. 2005-276 reads as rewritten:

9 **"SECTION 28.10.(a)** The Department of Transportation may implement up to two
10 performance-based contracts for routine maintenance and operations, exclusive of
11 resurfacing. Selection of firms to perform this work shall be made using a best-value
12 procurement process.

13 Prior to any advertisement for a proposed project, the Department shall report to the
14 Joint Legislative Transportation Oversight Committee on the contractor selection
15 criteria to be used.

16 **"SECTION 28.10.(b)** For contracts authorized under this section, notwithstanding
17 G.S. 44A-26(a)(1) and (a)(2), the Department of Transportation may require the bonds
18 issued pursuant to Article 3 of Chapter 44A of the General Statutes for public
19 construction to be provided on a periodic basis and in the amount to cover that specific
20 period rather than for the entire project duration."

21 **SECTION 2.** This act becomes effective July 1, 2006.