1. Purpose

The purpose of this regulation is to provide guidance pertaining to all informal contracts. This regulation is implemented in accordance with the North Carolina General Statute §143-129.

2. Scope

This regulation applies to all informal construction contracts at North Carolina Central University.

3. Informal Contracts

3.1 An Informal Contract is defined as construction or repair work that does not exceed $500,000.

3.1.2 North Carolina General Statutes and the NC Construction Manual provide a flexible methodology of receiving bids or quotes without the formal advertisement and documentation required by North Carolina General Statute §143-129.

3.1.3 Construction work is open to any firm that desires construction work, provided it meets qualifying standards, actively participates in the bid process, and demonstrates high measures of performance on the job. The Informal Contracts processes at NCCU are designed to ensure that the best-qualified contractors perform construction work.

4. Historically Underutilized Business (HUB) Enterprises

4.1 NCCU encourages and promotes the use of small, minority, disabled, and women contractors in its construction projects.
5. **Bonding and Liquidated Damages**

5.1 Generally, NCCU does not require bid, payment, or performance bonds for Informal Contracts.

5.1.2 Projects in the amount of $500,000 and more may be considered for performance bonds.

5.1.3 Liquidated damages are infrequently included in contract provisions; however timeliness is a very important consideration when rating contractors for future work invitation.

6. **Contractor Selection Criteria**

6.1 Selection Parameters include but are not limited to:

6.1.1 A history of reasonable bid price submissions.

6.1.2 A work history that indicates specialization and quality of workmanship in a particular construction skill, including the extent to which the Contractor follows project specifications and drawings provided by NCCU. Degree of participation in the NCCU bid process, i.e., demonstrating a high degree of attendance at pre-bid meetings (if required) and submitting viable, competitive bids or quotes when invited to bid or quote. Contractor shows up for pre-bid walkthroughs after informing the project manager they will attend.

6.1.3 Contractor’s degree of quality control, i.e., identification and correction of deficient work or plan conflicts in a timely manner. Final inspections yield a minimal number of punch list items, which are not significant.

6.1.4 Responsiveness to NCCU project managers on a daily basis.

6.1.5 Decorum, conduct, and non-disruptiveness of contractor staff and subcontractors.

6.1.6 Cooperation with other contractors on the project and in the vicinity.

6.1.7 Degree to which Contractor is considerate of building occupants and the construction management project manager with regard to notification, scheduling, and coordination of operations that will cause noise, vibrations, dust, odors, safety concerns, and other activities that can potentially interrupt the normal conduct of business.

6.1.8 Ease of daily coordination. Courteous and cooperative nature.

6.1.9 Substantive proof that a responsible, English-speaking company representative will be on-site at the NCCU campus within 1 (one) hour of notice from NCCU, 24 hours-a-day, for safety or emergency issues.

6.1.10 Degree of NCCU supervision and coordination necessary before, during, and after construction. Preferred contractors require minimal supervision or progress inspection.

6.1.11 Material submittals and delivery: Contractor diligently researches materials and vendors that meet specifications, ability to coordinate with designers on submittal issues, and ability to deliver materials to site in a timely manner.

6.1.12 Responsiveness to warranty issues.

6.1.13 Extent to which Contractor complies with NCCU general conditions, parking policies, hot work and other permit requirements, and other policies.

6.1.14 Safety consciousness on the job site. Demonstrated safety measures to protect students, faculty, and workers. Existence of contractor safety plans and employee briefings. Maintaining a
secured, safe site on a daily basis. Compliance with OSHA requirements.

6.1.15 Job site cleanliness during projects and upon leaving job sites.

6.1.16 Degree of familiarity with a particular building and its components, or specific knowledge of a particular client or organization’s needs.

6.1.17 Maintaining adequate insurance coverage.

6.1.18 Adequate bonding capacity

6.1.19 Not exceeding license limitations.

6.1.20 Submission of change orders in timely fashion with adequate cost breakdowns

6.1.21 Flexibility and cooperation when resolving delays

6.1.22 A track record of timely project completion.

6.1.23 Ability to meet project schedule, given size of full-time staff and the ability to subcontract quickly.

6.1.24 Extent to which contractor requires subcontractors to conform to these parameters.

6.1.25 Work load at the time of a project solicitation.

6.1.26 Contractor’s technological capability, with regard to mobile telephone, email address, and fax machine.

6.1.27 Other qualitative or quantitative factors that may apply to particular situations.

7. Types of Bids and Contracts

7.1 Group Bid

7.2 Time and Materials Bid

7.3 At its sole discretion, NCCU may choose which method to use for a particular construction project.

8. Contractor Ratings

8.1 NCCU rates its contractors for performance on a project. Contractor ratings play a direct role in determining whether a contractor is invited back for future construction work.

9. Time and Materials Bid: Up to $50,000

9.1 A Time and Materials Bid is defined as a two-phased bid process whereby a contractor submits a one-time, open-end bid that pre-establishes labor rates and mark-up percentages for undetermined future work, and then applies those rates to a second, project-specific bid at a later date.

9.2 Time and Materials contracts directly compensate a contractor for labor, material, and subcontractor costs to perform the specified work.

9.3 A Time and Materials bid is reserved for selected projects whose scopes are recurring, fairly simple in nature, present short completion deadlines, or are minor in terms of cost.

9.4 T&M bids are by no means intended to replace established procedures for competitive bid or quotes.