



CHAPTER 143

ARTICLE 8 - PUBLIC CONTRACTS

N.C.G.S. § 143-135.8.

Prequalification.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2014-42, s. 1 — second act in the lineage	21 September 2026, 05:40 UTC	4c03d4133978798e34a8233e - 3009802f6bb66180a469a8ff - 1a0bed560d49b168

§ 143-135.8(a) Except as provided in this section, bidders may not be prequalified for any construction or repair work project.

§ 143-135.8(b) A governmental entity may prequalify bidders for a particular construction or repair work project when all of the following apply:

- (1) The governmental entity is using one of the construction methods authorized in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).
- (2) The board or governing body of the governmental entity adopts an objective prequalification policy applicable to all construction or repair work prior to the advertisement of the contract for which the governmental entity intends to prequalify bidders.
- (3) The governmental entity has adopted the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for prequalification on that project.

§ 143-135.8(c) The objective prequalification policy adopted by a governmental entity pursuant to subdivision (2) of subsection (b) of this section shall meet all of the following criteria:

- (1) Must be uniform, consistent, and transparent in its application to all bidders.
- (2) Must allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project.
- (3) Clearly state the prequalification criteria, which must comply with all of the following:

- a. Be rationally related to construction or repair work.
- b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
- c. Permit bidders to submit history or experience with projects of similar size, scope, or complexity.
- (4) Clearly state the assessment process of the criteria to be used.
- (5) Establish a process for a denied bidder to protest to the governmental entity denial of prequalification, which process shall be completed prior to the opening of bids under G.S. 143-129(b) and which allows sufficient time for a bidder subsequently prequalified pursuant to a protest to submit a bid on the contract for which the bidder is subsequently prequalified.
- (6) Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.

§ 143-135.8(d) If the governmental entity opts to prequalify bidders, bids submitted by any bidder not prequalified shall be deemed nonresponsive. This subsection shall not apply to bidders initially denied prequalification that are subsequently prequalified pursuant to a protest under the governmental entity's prequalification policy.

§ 143-135.8(e) Prequalification may not be used for the selection of any qualification-based services under Article 3D of this Chapter, G.S. 143-128.1A, G.S. 143-128.1B, G.S. 143-128.1C, or the selection of the construction manager at risk under G.S. 143-128.1.

§ 143-135.8(f) For purposes of this section, the following definitions shall apply:

- (1) Governmental entity. - As defined in G.S. 143-128.1B(a)(6).
- (2) Prequalification. - A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1995		2005		2014
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1995	c. 367, s. 8	ENACTED	
02	2014	S.L. 2014-42, s. 1	AMENDED	

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 143-128(a1)(1)	(b)(1)	"of the construction methods authorized in"
G.S. 143-128(a1)(3)	(b)(1)	"methods authorized in G.S. 143-128(a1)(1) through"
G.S. 143-129(b)	(c)(5)	"to the opening of bids under"
G.S. 143-128.1A	(e)	"under Article 3D of this Chapter,"
G.S. 143-128.1B	(e)	"3D of this Chapter, G.S. 143-128.1A,"
G.S. 143-128.1C	(e)	"this Chapter, G.S. 143-128.1A, G.S. 143-128.1B,"
G.S. 143-128.1	(e)	"the construction manager at risk under"
G.S. 143-128.1B(a)(6)	(f)(1)	"Governmental entity. - As defined in"

Citation

FULL SECTION

N.C. Gen. Stat. § 143-135.8 (2014).

PINPOINT

N.C. Gen. Stat. § 143-135.8(a) (2014).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

This document reproduces the text of one section of the General Statutes of North Carolina from a source file whose SHA-256 digest is printed on every page. The digest fixes the bytes this export was made from; if the State's file changes, the digest will not match.

The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1995, c. 367, s. 8; 2014-42, s. 1.)

SET IN SPECTRAL AND ARCHIVO
NORTH CAROLINA LAW — STATUTE EXPORT, FORMAT V1

