

State Construction Office
Recommended Procedures for Compliance with GS 133-3
Effective on projects advertised for bids on or after January 1, 2003

1. For all city, county, state and other public entities whose building projects are subject to Article 8 of Chapter 143 of the General Statutes, the architects and engineers shall prepare specifications in accordance with the latest provisions of GS133-3 which provides for free and open competition on public contracts.
2. The specifications shall contain a performance specification or name at least three brands of equal or equivalent design characteristics. If the designer or owner prefers a particular brand of product or material then such brand shall be bid as an alternate to the three items of equal or equivalent design in the base bid, one of which may be the preferred brand.
3. The designer's specifications for the preferred brand alternate must also identify the performance standards that support the preference.
4. The owner shall publish a Notice to Bidders in a newspaper having statewide circulation and an appropriate public website announcing an *open meeting* for presentation of the performance standards. The notice shall be published no later than 7 days prior to the meeting and 14 days prior to bid opening and shall include the date, time and public place for the meeting. The notice shall include a listing of the preferred item(s) to be presented.
5. The *open meeting* may be held separately or in conjunction with the project pre-bid meeting provided the meeting occurs no later than 14 days prior to the bid opening to allow time for public comment and issuance of any addenda no later than 7 days prior to the bid opening.
6. A designated official of the owner will conduct the meeting. The designer will present information to the owner in support of the preferred product alternate and include written documentation. The owner should allow time at the meeting for input from interested parties and those who have requested in advance to comment on the preferred alternate. The owner may consider comments at the meeting and/or written comments provided in advance in approving or disapproving the preferred brand alternate.
7. Where alternates are approved at the meeting, the owner shall provide justification in a written statement made available to the public, the criteria used to support the approval. GS133-3 lists the only criteria as *cost savings* or *to maintain or improve the function of any process or system affected by the preferred product* or *both*. The justification shall be published no later than 7 days prior to the bid opening date.
8. The owner will maintain all documentation as part of the project file consistent with the public records requirements of the State of North Carolina