

1 19A NCAC 02D .0818 is adopted with changes as published in 31:17 NCR 1753 as follows:

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3 **19A NCAC 02D .0818 NON-COLLUSION AFFIDAVIT AND CERTIFICATIONS**

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5 (a) Every bidder ~~and subcontractor~~ shall furnish to the Department an unsworn certification made under penalty of
6 perjury under the laws of the United States, a non-collusion affidavits certification at the time of bid, certifying that
7 the bidder has not entered into any agreement, participated in any collusion, or otherwise taken any action in
8 restraint of free competitive bidding in connection with his or her bid on the project. ~~The affidavit [non-collusion~~
9 ~~certification] shall also indicate that the bidder intends to do the work with its own employees or subcontractors and~~
10 ~~is not bidding for the benefit of another contractor.~~

11 (b) ~~A ["Non-Collusion Certification"] Non Collusion Certification form means a form provided on the Department's~~
12 ~~[website www.ncdot.gov] website, www.ncdot.gov., for execution by the bidding prequalified contractor certifying~~
13 ~~that:~~

14 (1) neither the individual, nor any official, agent, or employee has entered into any agreement, participated
15 in any collusion, or otherwise taken any action that is in restraint of free competitive bidding in connection
16 with any bid or contract;

17 (2) the bidder has not been convicted of violating [N.C.G.S. §] G.S. 133-24 within the last three years; and

18 (3) the bidder intends to do the work with its own employees or subcontractors and the bid is not for the
19 benefit of another contractor.

20 ~~(b) (c) In the ["Non-Collusion Certification"] Non Collusion Certification form, the prospective bidder and~~
21 ~~subcontractors shall also certify his or her debarment status under penalty of perjury under the laws of the United~~
22 ~~States, furnish executed debarment certification forms to the Department. In the event the prospective bidder or~~
23 ~~subcontractor cannot certify that he or she is not disbarred, the prospective bidder or subcontractor shall provide a~~
24 ~~written explanation, which the Department shall review and evaluate to determine if the bidder or subcontractor is~~
25 ~~still prequalified prequalified, according to the requirements set out in .0801 of this Section, for bidding, contracting~~
26 ~~contracting, or subcontracting on Department projects.~~

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28 *History Note: Authority G.S. 136-18(1); 136-28.1; ~~143-54~~; 133-30;*

29 *Eff. April 3, 1981;*

30 *Recodified from 19A NCAC 2D .0816;*

31 *Amended Eff. July 1, 2017; February 1, 2008; October 1, 1993; November 1, 1991; October 1, 1991;*

32 *July 1, 1982.*