

### **19A NCAC 02D .0818 NON-COLLUSION CERTIFICATIONS**

(a) Every bidder shall furnish to the Department an unsworn certification made under penalty of perjury under the laws of the United States, a non-collusion certification at the time of bid, certifying that the bidder has not entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with his or her bid on the project.

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

- (1) neither the individual, nor any official, agent, or employee has entered into any agreement, participated in any collusion, or otherwise taken any action that is in restraint of free competitive bidding in connection with any bid or contract;
- (2) the bidder has not been convicted of violating G.S. 133-24 within the last three years; and
- (3) the bidder intends to do the work with its own employees or subcontractors and the bid is not for the benefit of another contractor.

(c) In the Non Collusion Certification form, the prospective bidder shall certify his or her debarment status under penalty of perjury under the laws of the United States. In the event the prospective bidder cannot certify that he or she is not disbarred, the prospective bidder shall provide a written explanation, which the Department shall review and evaluate to determine if the bidder is prequalified, according to the requirements set out in Rule .0801 of this Section, for bidding, contracting, or subcontracting on Department projects.

*History Note: Authority G.S. 136-18(1); 136-28.1; 133-30;  
Eff. April 3, 1981;  
Recodified from 19A NCAC 2D .0816;  
Amended Eff. February 1, 2008; October 1, 1993; November 1, 1991; October 1, 1991; July 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016;  
Amended Eff. July 1, 2017.*