### G.S. 133-3 (second part – preferred brand alternate)

**Will a specific brand (1) provide cost savings, (2) maintain or improve the functioning of any process or system affected by the preferred item(s), or both (1) and (2)?**

<table>
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<th>Yes</th>
<th>No</th>
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<td>Can’t use preferred brand alternate.</td>
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**Can use preferred brand alternate to base bid, but must follow these steps:**

- Draft a written justification for the use of the preferred brand alternate identifying how the alternate will (1) provide cost savings and/or (2) maintain or improve the functioning of any process or system affected by the preferred item(s). This written justification must be made available to the public.
- The governing board must approve the performance standards for the preferred brand in an open meeting.
- The specifications must identify the performance standards that support the preferred brand.
- The specifications must also include a deadline for bidders who wish to substitute items of equal or equivalent design to the brand alternate to submit those items to the architect or engineer for approval or disapproval. (The deadline must be far enough in advance of the bid opening to give the architect or engineer time to approve or disapprove these items, and to notify the bidders of their approval or disapproval, before the bid opening.)
- The architect or engineer must approve or disapprove any substitute items submitted by bidders, and notify the bidders of their approval or disapproval, before the bid opening. (The best way to do this would be to issue an addendum listing the substitute items that have been approved and disapproved, so all bidders know which substitute items are approved and which are not.)
- After the bid opening, determine whether to award the base bid or the bid with the preferred brand alternate. Award to the lowest responsive, responsible bidder (on the base bid or the bid with the preferred brand alternate), treating any substitute items approved by the architect or engineer as equal or equivalent to the preferred brand if awarding on the preferred brand alternate rather than the base bid.