

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 808\*  
PROPOSED COMMITTEE SUBSTITUTE H808-PCS30389-SF-28

Short Title: Community College Construction Process.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE THE CONSTRUCTION PROCESS FOR COMMUNITY COLLEGE  
FACILITIES MORE EFFICIENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 115D-4 reads as rewritten:

"§ 115D-4. Establishment of ~~institutions; capital improvements;~~ institutions.

The establishment of all community colleges shall be subject to the approval of the General Assembly upon recommendation of the State Board of Community Colleges. In no case, however, shall favorable recommendation be made by the State Board for the establishment of an institution until it has been demonstrated to the satisfaction of the State Board that a genuine educational need exists within a proposed administrative area, that existing public and private post-high school institutions in the area will not meet the need, that adequate local financial support for the institution will be provided, that public schools in the area will not be affected adversely by the local financial support required for the institution, and that funds sufficient to provide State financial support of the institution are available.

~~The expenditures of any State funds for any capital improvements of existing institutions shall be subject to the prior approval of the State Board of Community Colleges and the Governor. The expenditure of State funds at any institution herein authorized to be approved by the State Board shall be subject to the terms of the State Budget Act unless specifically otherwise provided in this Chapter."~~

**SECTION 2.** Article 1 of Chapter 115D of the General Statutes is amended by adding a new section to read:

"**§ 115D-9. Powers of State Board regarding certain fee negotiations, contracts, and capital improvements.**

(a) The expenditures of any State funds for any capital improvements of existing institutions shall be subject to the prior approval of the State Board of Community Colleges and the Governor. The expenditure of State funds at any institution herein authorized to be approved by the State Board under G.S. 115D-4 shall be subject to the terms of the State Budget Act unless specifically otherwise provided in this Chapter.

(b) Notwithstanding G.S. 143-341(3), the State Board of Community Colleges shall, with respect to design, construction, repair, or renovation of buildings, utilities, and other State or non-State funded property developments of the North Carolina Community College System requiring the estimated expenditure of public money of one million dollars (\$1,000,000) or less:



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- 1           (1) Conduct the fee negotiations for all design contracts and supervise the letting  
 2           of all construction and design contracts.  
 3           (2) Develop procedures governing the responsibilities of the North Carolina  
 4           Community College System and its community colleges to perform the  
 5           duties of the Department of Administration and the Director or Office of  
 6           State Construction under G.S. 133-1.1(d) and G.S. 143-341(3).  
 7           (3) Use existing plans and specifications for construction projects, where  
 8           feasible. Prior to designing a project, the State Board shall consult with the  
 9           Department of Administration on the availability of existing plans and  
 10           specifications and the feasibility of using them for a project.

11       (c) The State Board may delegate its authority under subsection (b) of this section to a  
 12       community college if the community college is qualified under guidelines adopted by the State  
 13       Board and approved by the State Building Commission and the Director of the Budget.

14       (d) The North Carolina Community College System shall use the standard contracts for  
 15       design and construction currently in use for State capital improvement projects by the Office of  
 16       State Construction of the Department of Administration.

17       (e) A contract may not be divided for the purpose of evading the monetary limit under  
 18       this section.

19       (f) Notwithstanding any other provision of this Chapter, the Department of  
 20       Administration shall not be the awarding authority for contracts awarded under this section.

21       (g) The State Board shall annually report to the State Building Commission the  
 22       following:

- 23           (1) A list of projects governed by this section.  
 24           (2) The estimated cost of each project along with the actual cost.  
 25           (3) The name of each person awarded a contract under this section.  
 26           (4) Whether the person or business awarded a contract under this section meets  
 27           the definition of "minority business" or "minority person" as defined in  
 28           G.S. 143-128.2(g)."

29       **SECTION 3.** G.S. 143-341 reads as rewritten:

30       **"§ 143-341. Powers and duties of Department.**

31       The Department of Administration has the following powers and duties:

32       ...

33       (3) Architecture and Engineering:

- 34       a. To examine and approve all plans and specifications for the  
 35       construction or renovation of:  
 36       1. All State buildings or buildings located on State lands, except  
 37       those buildings over which a local building code inspection  
 38       department has and exercises jurisdiction; and  
 39       2. All community college buildings requiring the estimated  
 40       expenditure for construction or repair work for which public  
 41       bidding is required under G.S. 143-129 prior to the awarding  
 42       of a contract for such work; and to examine and approve all  
 43       changes in those plans and specifications made after the  
 44       contract for such work has been awarded.  
 45       a1. To organize and schedule, within three weeks of designer selection  
 46       and before the design contract is let, a meeting of the stakeholders for  
 47       each State capital improvement project to discuss plan review  
 48       requirements and to define the terms of the memorandum of  
 49       understanding developed by the State Building Commission pursuant  
 50       to G.S. 143-135.26(2). The stakeholders shall include the funded  
 51       agency, each State agency having plan review responsibilities for the

1 project, and the selected designer. Notwithstanding the foregoing, the  
2 meeting need not be scheduled if the funded agency so requests.

3 b. To assist, as necessary, all agencies in the preparation of requests for  
4 appropriations for the construction or renovation of all State  
5 buildings.

6 b1. To certify that a statement of needs pursuant to G.S. 143C-3-3 is  
7 feasible. For purposes of this sub-subdivision, "feasible" means that  
8 the proposed project is sufficiently defined in overall scope; building  
9 program; site development; detailed design, construction, and  
10 equipment budgets; and comprehensive project scheduling so as to  
11 reasonably ensure that it may be completed with the amount of funds  
12 requested. At the discretion of the General Assembly, advanced  
13 planning funds may be appropriated in support of this certification.  
14 This sub-subdivision shall not apply to requests for appropriations of  
15 less than one hundred thousand dollars (\$100,000).

16 c. To supervise the letting of all contracts for the design, construction or  
17 renovation of all State buildings and all community college buildings  
18 whose plans and specifications must be examined and approved  
19 under a.2. of this subdivision.

20 d. To supervise and inspect all work done and materials used in the  
21 construction or renovation of all State buildings and all community  
22 college buildings whose plans and specifications must be examined  
23 and approved under a.2. of this subdivision; and no such work may  
24 be accepted by the State or by any State agency until it has been  
25 approved by the Department.

26 e. To require all State agencies to use existing plans and specifications  
27 for construction projects, where feasible. Prior to designing a project,  
28 State agencies shall consult with the Department of Administration  
29 on the availability of appropriate existing plans and specifications  
30 and the feasibility of using them for a project.

31 Except for sub-subdivisions b., b1., and e. of this subdivision, this  
32 subdivision does not apply to the design, construction, or renovation of  
33 projects by The University of North Carolina pursuant to ~~G.S. 116-31.11.~~  
34 under G.S. 116-31.11, or by the North Carolina Community College System  
35 under G.S. 115D-9."

36 **SECTION 4.** This act is effective when it becomes law and applies to design,  
37 construction, repair, or renovation projects for which bids or proposals are solicited on or after  
38 April 30, 2010.