

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 315

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S315-ALB-106 [v.1]

Page 1 of 2

Comm. Sub. [YES]
Amends Title [YES]

Date _____, 2013

Representative Luebke

1 moves to amend the bill on page 1, line 2, through the end of the bill by rewriting those lines to
2 read:

3 "AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE
4 CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, TO
5 AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY
6 METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE
7 HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS,
8 AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO
9 CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT
10 PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF
11 ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.** Section 2.3(a) of the Charter of the City of Durham, being Chapter
14 671, Session Laws of 1975, as added by Chapter 342 of the 1993 Session Laws, reads as
15 rewritten:

16 "(a) The provisions of G.S. 160A-31(d), 160A-58.2, and 160A-58.7 notwithstanding, the
17 city council may make annexation ordinances adopted pursuant to Parts 1 or 4 of Article 4A of
18 Chapter 160A of the General Statutes effective on any specified date within ~~three~~10 years from
19 the date of passage of the annexation ordinance."

20 **SECTION 2.** Article 8 of Chapter VI of the Charter of the City of Durham, being
21 Chapter 671 of the 1975 Session Laws, as amended, is amended by adding a new section to
22 read as follows:

23 "Sec. 85.1. Utilization of design-build delivery methods. (a) The City may award contracts
24 for the design and construction of a police headquarters and annex facility, two police service
25 centers, and a 911 facility without being subject to the requirements of G.S. 133-1, 133-2, or
26 133-3, the provisions of Article 3D of Chapter 143 of the General Statutes, and Article 8 of
27 Chapter 143 of the General Statutes. The authorization granted in this section includes the use
28 of the following methods: design-build; design-build-operate; design-build-operate-maintain;
29 or any combination of design-build, operate, or maintain.

30 (b) The City shall obtain proposals from at least three design-build teams for the
31 projects authorized under subsection (a) of this section. If three proposals are not received and
32 the project has been publicly advertised for a minimum of 30 days, the City may proceed with



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1 the proposals received. In evaluating the proposals received, the City may pay the same fixed
2 stipend to short-listed design-build teams for preparation of additional technical proposals if
3 necessary to advance the contract award process. The evaluation of design-build teams and the
4 proposals shall not be exempt from the requirements of the City's Equal Business Opportunity
5 Program Ordinance, created pursuant to the authority granted in Section 84.1 of this Charter, to
6 establish minority and women business participation goals.

7 (c) The City Council shall award the contract to the best qualified design-build team,
8 taking into account the time of completion of the project, the capital and operation and
9 maintenance cost of the project, the technical merits of the proposal, and any other factors and
10 information set forth in the request for proposal that the City determines to have a material
11 bearing on the ability to evaluate any proposal."

12 **SECTION 3.(a)** The County of Durham may contract for the design and
13 construction or design, construction, and operation of water treatment and wastewater treatment
14 plant projects for the purpose of providing services throughout Durham County without being
15 subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and
16 143-64.32. The authorization includes, if deemed appropriate by the Durham County Board of
17 Commissioners, the use of the single-prime contractor method of design and construction, the
18 design-build or design-build-operate method of construction, or a request for proposals and
19 negotiation as an alternative design and construction method.

20 **SECTION 3.(b)** The County of Durham shall obtain proposals from and interview
21 at least three design-build teams, or design-build-operate teams, as appropriate, that have
22 submitted proposals for a water treatment plant or wastewater treatment project. If three
23 proposals are not received and the project has been publicly advertised for a minimum of 30
24 days, the County may proceed with the proposals received. The Board of Commissioners shall
25 award the contract to the best qualified contractor, taking into account the time of completion
26 of the project, the capital and operation and maintenance cost of the project, the technical
27 merits of the proposal, including, but not limited to, reliability and protection of the
28 environment, and any other factors and information set forth in the request for proposals that
29 the County determines to have a material bearing on the ability to evaluate any proposal.

30 **SECTION 4.** This act is effective when it becomes law."
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**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**

ADOPTED _____ FAILED _____ TABLED _____