

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS55059-MH-95A (03/17)

Short Title: Zoo State Construction Exemptions. (Public)

Sponsors: Senators Gunn and Tillman (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE AN EXEMPTION FROM CERTAIN STATE CONSTRUCTION
3 OFFICE REQUIREMENTS FOR THE NORTH CAROLINA ZOOLOGICAL PARK.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143-341 reads as rewritten:

6 "§ 143-341. Powers and duties of Department.

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

8 ...

9 (3) Architecture and Engineering:

10 a. To examine and approve all plans and specifications for the
11 construction or renovation of:

12 1. All State buildings or buildings located on State lands, except
13 those buildings over which a local building code inspection
14 department has and exercises jurisdiction; and

15 2. All community college buildings requiring the estimated
16 expenditure for construction or repair work for which public
17 bidding is required under G.S. 143-129 prior to the awarding
18 of a contract for such work; and to examine and approve all
19 changes in those plans and specifications made after the
20 contract for such work has been awarded.

21 a1. To organize and schedule, within three weeks of designer selection
22 and before the design contract is let, a meeting of the stakeholders for
23 each State capital improvement project to discuss plan review
24 requirements and to define the terms of the memorandum of
25 understanding developed by the State Building Commission pursuant
26 to G.S. 143-135.26(2). The stakeholders shall include the funded
27 agency, each State agency having plan review responsibilities for the
28 project, and the selected designer. Notwithstanding the foregoing, the
29 meeting need not be scheduled if the funded agency so requests.

30 b. To assist, as necessary, all agencies in the preparation of requests for
31 appropriations for the construction or renovation of all State
32 buildings.

33 b1. To certify that a statement of needs pursuant to G.S. 143C-3-3, other
34 than for a project of The University of North Carolina for which
35 advance planning has not been completed, is feasible. For purposes
36 of this sub-subdivision, "feasible" means that the proposed project is



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1 sufficiently defined in overall scope; building program; site
 2 development; detailed design, construction, and equipment budgets;
 3 and comprehensive project scheduling so as to reasonably ensure that
 4 it may be completed with the amount of funds requested. At the
 5 discretion of the General Assembly, advanced planning funds may be
 6 appropriated in support of this certification. This sub-subdivision
 7 shall not apply to requests for appropriations of less than one
 8 hundred thousand dollars (\$100,000).

- 9 c. To supervise the letting of all contracts for the design, construction or
 10 renovation of all State buildings and all community college buildings
 11 whose plans and specifications must be examined and approved
 12 under a.2. of this subdivision.
- 13 d. To supervise and inspect all work done and materials used in the
 14 construction or renovation of all State buildings and all community
 15 college buildings whose plans and specifications must be examined
 16 and approved under a.2. of this subdivision; to act as the appropriate
 17 official inspector or inspection department for purposes of
 18 G.S. 143-143.2; and no such work may be accepted by the State or
 19 by any State agency until it has been approved by the Department.
- 20 e. To require all State agencies to use existing plans and specifications
 21 for construction projects, where feasible. Prior to designing a project,
 22 State agencies shall consult with the Department of Administration
 23 on the availability of appropriate existing plans and specifications
 24 and the feasibility of using them for a project.
- 25 f. To provide written allocation of the deduction allowed under section
 26 179D of the Code, as defined in G.S. 105-228.90, for designing
 27 energy efficient commercial building property that is installed on or
 28 in property owned by the State. The allocation must be made in
 29 accordance with section 179D of the Code.

30 Except for sub-subdivisions b., b1., e., and f. of this subdivision, this
 31 subdivision does not apply to either (i) the design, construction, or
 32 renovation of projects by The University of North Carolina pursuant to G.S.
 33 ~~116-31.11~~ G.S. 116-31.11 or (ii) the North Carolina Zoological Park Council
 34 and the Department of Natural and Cultural Resources, with respect to
 35 projects at the North Carolina Zoological Park pursuant to
 36 G.S. 143B-135.214.

37 "...."

38 **SECTION 2.** Part 39 of Article 2 of Chapter 143B of the General Statutes is
 39 amended by adding a new section to read:

40 **"§ 143B-135.214. Powers of Council and Department regarding certain fee negotiations,**
 41 **contracts, and capital improvements.**

42 (a) The exception for the North Carolina Zoological Park set forth in G.S. 143-341(3)
 43 shall apply only to projects requiring the estimated expenditure of public money of two million
 44 dollars (\$2,000,000) or less. The Council and the Department of Natural and Cultural
 45 Resources shall, with respect to the design, construction, or renovation of buildings, utilities,
 46 and other property developments of the North Carolina Zoological Park that fall below that
 47 threshold:

- 48 (1) Conduct the fee negotiations for all design contracts and supervise the letting
 49 of all construction and design contracts.

- 1 (2) Develop procedures governing the responsibilities of the Council and the
2 Department to perform the duties of the Department of Administration under
3 G.S. 133-1.1(d) and G.S. 143-341(3).
- 4 (3) Develop procedures and reasonable limitations governing the use of
5 open-end design agreements, subject to the approval of the State Building
6 Commission.
- 7 (4) Use existing plans and specifications for construction projects, where
8 feasible. Prior to designing a project, the Council and the Department shall
9 consult with the Department of Administration on the availability of existing
10 plans and specifications and the feasibility of using them for a project.
- 11 (b) The Council and Department shall use the standard contracts for design and
12 construction currently in use for State capital improvement projects by the Office of State
13 Construction of the Department of Administration.
- 14 (c) A contract may not be divided for the purpose of evading the monetary limit under
15 this section.
- 16 (d) Notwithstanding any other provision of this Chapter, the Department of
17 Administration shall not be the awarding authority for contracts awarded pursuant to this
18 section.
- 19 (e) This section does not exempt any capital improvement project from review and
20 approval as may be required by law by the city or county having jurisdiction over the property.
- 21 (f) The Department 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.** This act is effective when it becomes law.