

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

3

HOUSE BILL 747
Senate State and Local Government Committee Substitute Adopted 6/3/09
Third Edition Engrossed 6/4/09

Short Title: Asheville and Dallas Force Account.

(Local)

Sponsors:

Referred to:

March 24, 2009

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITY OF ASHEVILLE
AND BUNCOMBE COUNTY AND FOR THE TOWN OF DALLAS FOR
CONSTRUCTION OR REPAIR PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-135 reads as rewritten:

"§ 143-135. **Limitation of application of Article.**

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when either the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty five thousand dollars (\$125,000) or the total cost of labor on the project does not exceed fifty thousand dollars (\$50,000);~~ two hundred fifty thousand dollars (\$250,000); provided that, for The University of North Carolina and its constituent institutions, force account qualified labor may be used (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the university and (ii) when either the total cost of the project, including, without limitation, all direct and indirect costs of labor, services, materials, supplies, and equipment, does not exceed two hundred thousand dollars (\$200,000) or the total cost of labor on the project does not exceed one hundred thousand dollars (\$100,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be maintained by such agency, commission, council or board for the inspection by the general public. Construction or repair work undertaken pursuant to this section shall not be divided for the purposes of evading the provisions of this Article."

SECTION 1.(b) This section applies only to Marjorie Street, Valley Street, College Street, and Davidson Street projects in the areas of the Buncombe County jail annex.

SECTION 1.(c) This section applies only to the City of Asheville and County of Buncombe.

SECTION 1.(d) This section expires July 1, 2010.



* H 7 4 7 - V - 3 *

1 **SECTION 2.(a)** G.S. 143-135 reads as rewritten:

2 "**§ 143-135. Limitation of application of Article.**

3 Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus,
4 supplies, materials or equipment, this Article shall not apply to construction or repair work
5 undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is
6 performed by duly elected officers or agents using force account qualified labor on the
7 permanent payroll of the agency concerned and (ii) when either the total cost of the project,
8 including without limitation all direct and indirect costs of labor, services, materials, supplies
9 and equipment, does not exceed ~~one hundred twenty five thousand dollars (\$125,000) or the~~
10 ~~total cost of labor on the project does not exceed fifty thousand dollars (\$50,000);~~ two hundred
11 fifty thousand dollars (\$250,000); provided that, for The University of North Carolina and its
12 constituent institutions, force account qualified labor may be used (i) when the work is
13 performed by duly elected officers or agents using force account qualified labor on the
14 permanent payroll of the university and (ii) when either the total cost of the project, including,
15 without limitation, all direct and indirect costs of labor, services, materials, supplies, and
16 equipment, does not exceed two hundred thousand dollars (\$200,000) or the total cost of labor
17 on the project does not exceed one hundred thousand dollars (\$100,000). This force account
18 work shall be subject to the approval of the Director of the Budget in the case of State agencies,
19 of the responsible commission, council, or board in the case of subdivisions of the State.
20 Complete and accurate records of the entire cost of such work, including without limitation, all
21 direct and indirect costs of labor, services, materials, supplies and equipment performed and
22 furnished in the prosecution and completion thereof, shall be maintained by such agency,
23 commission, council or board for the inspection by the general public. Construction or repair
24 work undertaken pursuant to this section shall not be divided for the purposes of evading the
25 provisions of this Article."

26 **SECTION 2.(b)** This section applies only to the police department renovation.

27 **SECTION 2.(c)** This section applies only to the Town of Dallas.

28 **SECTION 2.(d)** This section expires July 1, 2011.

29 **SECTION 3.** This act is effective when it becomes law.