

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

SESSION LAW 2011-180
HOUSE BILL 442

AN ACT TO ALLOW THE TOWN OF CORNELIUS AND THE CITY OF CHARLOTTE TO USE DESIGN-BUILD DELIVERY METHODS AND TO SPECIFY THE INVESTMENT AUTHORITY OF THE TOWN OF CORNELIUS.

The General Assembly of North Carolina enacts:

SECTION 1. Article I of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, is amended by adding a new section to read:

"Sec. 1.4. **Town may utilize design-build delivery methods.** (a) The Town may contract for the design and construction of public projects without being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32. The authorization includes the use of the following methods: design-build; design-build-operate; design-build-operate-maintain; or any combination of design-build, operate, or maintain.

(b) The Town shall request proposals from at least three design-build teams. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, then the Town may proceed with the proposals received. The Board shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance cost of the project, the technical merits of the proposal, and any other factors and information set forth in the request for proposals that the Town determines to have a material bearing on the ability to evaluate any proposal. The proposals shall not require the design-build team to submit project design solutions.

(c) The Town shall not be required to pay within 45 days after the project has been accepted by the owner, certified by the architect, engineer, or designer as being completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed, that portion of the project costs that are subject to delayed payments scheduled by the prime contract to occur after the project has been accepted by the owner, certified by the architect, engineer, or designer as being completed in accordance with terms of the plans and specifications, or occupied by the owner and used for the purpose for which the project was constructed."

SECTION 2. Article VII of the Charter of the Town of Cornelius, being Chapter 288 of the 1971 Session Laws, is amended by adding a new section to read:

"Sec. 7.3. **Investment Authority.** In addition to the authority granted in G.S. 159-30, the Town may invest and reinvest any of the Town's restricted or unrestricted capital reserves, as designated from time to time by the Town Board of Commissioners, in one or more of the types of securities or other investments authorized by State law for the State Treasurer in G.S. 147-69.2(b)(1)-(6) and (8), consistent with any conditions stated therein."

SECTION 3. Article III of Chapter 8 of the Charter of the City of Charlotte, being S.L. 2000-26 as amended, is amended by adding a new section to read as follows:

§ 8.87. City may utilize design-build delivery methods.

(a) The City may award contracts for the design and construction of up to three public projects without being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and 143-64.32. This authorization includes the use of the following methods: design-build; design-build-operate; design-build-maintain, and design-build-operate-maintain.

(b) The City may award contracts for design and construction of public projects, including water and sewer lines and mains, pump stations, storage tanks and buildings ancillary to water and wastewater treatment plants, stormwater management facilities, road, bridges, and parking garages, stream mitigation projects, heavy rail transportation facilities, airport facilities,



public safety facilities, and local government buildings. The City may award design and construction contracts for no more than one local government building per fiscal year.

(c) The city shall request proposals from at least three design-build teams. If three proposals are not received and the project has been publicly advertised for a minimum of 30 days, then the City may proceed with the proposals received. The Council shall award the contract to the best qualified contractor, taking into account the time of completion of the project, the capital and operation and maintenance cost of the project, the technical merits of the proposal, and any other factors and information set forth in the request for proposal that the City determines to have a material bearing on the ability to evaluate any proposal."

SECTION 4. This act is effective when it becomes law. Section 1 of this act shall expire July 1, 2013. Section 3 of this act shall expire June 30, 2016.

In the General Assembly read three times and ratified this the 18th day of June, 2011.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives