

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS85131-LE-108A (03/22)

Short Title: Modify Comm. College Construction Process.

(Public)

Sponsors: Senators Tillman and Hartsell (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT RELATING TO CAPITAL IMPROVEMENTS AT COMMUNITY COLLEGES.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 115D-9 reads as rewritten:

5 "§ 115D-9. (For applicability, see Editor's note) Powers of State Board regarding certain
6 fee negotiations, contracts, and capital improvements.

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

12 (b) Notwithstanding G.S. 143-341(3), the State Board of Community Colleges may,
13 with respect to design, construction, repair, or renovation of buildings, utilities, and other ~~State~~
14 ~~or non-State funded~~ State-funded property developments of the North Carolina Community
15 College System requiring the estimated expenditure of public money of ~~one million dollars~~
16 ~~(\$1,000,000)~~ four million dollars (\$4,000,000) or less:

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

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

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

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



1 (f) Notwithstanding any other provision of this Chapter, the Department of
2 Administration shall not be the awarding authority for contracts awarded under subsections (b)
3 or (c) of this section.

4 (g) The State Board shall annually report to the State Building Commission the
5 following:

- 6 (1) A list of projects governed by this section.
- 7 (2) The estimated cost of each project along with the actual cost.
- 8 (3) The name of each person awarded a contract under this section.
- 9 (4) Whether the person or business awarded a contract under this section meets
10 the definition of "minority business" or "minority person" as defined in
11 G.S. 143-128.2(g).

12 (h) The provisions of G.S. 143-341(3) shall not apply to a capital improvement project
13 funded with non-State funds if the State Board of Community Colleges determines that the
14 college has the expertise necessary to manage the project."

15 **SECTION 2.** This act is effective when it becomes law and applies to projects
16 initiated on or after that date.