

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 470

Short Title: Modify Comm. College Construction Process. (Public)

Sponsors: Senators Tillman, Hartsell; Allran, Apodaca, D. Berger, Bingham, Blue, Brock, Clary, Graham, Harrington, Jackson, McKissick, Meredith, Newton, Preston, Rouzer, Rucho, Stevens, and Vaughan.

Referred to: Finance.

March 31, 2011

A BILL TO BE ENTITLED

AN ACT RELATING TO CAPITAL IMPROVEMENTS AT COMMUNITY COLLEGES.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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