

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS85018-LM-31 (02/03)

Short Title: Charlotte Charter/Design-Build Construction.

(Local)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZE
THE CITY TO USE THE DESIGN-BUILD DELIVERY METHODS FOR
CONSTRUCTION.

The General Assembly of North Carolina enacts:

SECTION 1. Article III 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:

"§ 8.89. City may utilize design-build delivery methods.

(a) The City 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. This authorization includes the use of the following methods: design-build; design-build-finance; design-build-finance-operate; design-build-finance-operate-maintain; or any combination of design-build, finance, operate, or maintain.

(b) 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 proposals that the City determines to have a material bearing on the ability to evaluate any proposal.

(c) The City 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. S.L. 2007-312 is repealed.

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

