

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 495

Short Title: Zoo State Construction Exemptions. (Public)

Sponsors: Senators Gunn and Tillman (Primary Sponsors).

Referred to: Rules and Operations of the Senate

March 30, 2017

A BILL TO BE ENTITLED
AN ACT TO PROVIDE AN EXEMPTION FROM CERTAIN STATE CONSTRUCTION
OFFICE REQUIREMENTS FOR THE NORTH CAROLINA ZOOLOGICAL PARK.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-341 reads as rewritten:

"§ 143-341. Powers and duties of Department.

The Department of Administration has the following powers and duties:

...

(3) Architecture and Engineering:

- a. To examine and approve all plans and specifications for the construction or renovation of:
 1. All State buildings or buildings located on State lands, except those buildings over which a local building code inspection department has and exercises jurisdiction; and
 2. All community college buildings requiring the estimated expenditure for construction or repair work for which public bidding is required under G.S. 143-129 prior to the awarding of a contract for such work; and to examine and approve all changes in those plans and specifications made after the contract for such work has been awarded.
- a1. To organize and schedule, within three weeks of designer selection and before the design contract is let, a meeting of the stakeholders for each State capital improvement project to discuss plan review requirements and to define the terms of the memorandum of understanding developed by the State Building Commission pursuant to G.S. 143-135.26(2). The stakeholders shall include the funded agency, each State agency having plan review responsibilities for the project, and the selected designer. Notwithstanding the foregoing, the meeting need not be scheduled if the funded agency so requests.
- b. To assist, as necessary, all agencies in the preparation of requests for appropriations for the construction or renovation of all State buildings.
- b1. To certify that a statement of needs pursuant to G.S. 143C-3-3, other than for a project of The University of North Carolina for which advance planning has not been completed, is feasible. For purposes of this sub-subdivision, "feasible" means that the proposed project is



sufficiently defined in overall scope; building program; site development; detailed design, construction, and equipment budgets; and comprehensive project scheduling so as to reasonably ensure that it may be completed with the amount of funds requested. At the discretion of the General Assembly, advanced planning funds may be appropriated in support of this certification. This sub-subdivision shall not apply to requests for appropriations of less than one hundred thousand dollars (\$100,000).

- c. To supervise the letting of all contracts for the design, construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision.
- d. To supervise and inspect all work done and materials used in the construction or renovation of all State buildings and all community college buildings whose plans and specifications must be examined and approved under a.2. of this subdivision; to act as the appropriate official inspector or inspection department for purposes of G.S. 143-143.2; and no such work may be accepted by the State or by any State agency until it has been approved by the Department.
- e. To require all State agencies to use existing plans and specifications for construction projects, where feasible. Prior to designing a project, State agencies shall consult with the Department of Administration on the availability of appropriate existing plans and specifications and the feasibility of using them for a project.
- f. To provide written allocation of the deduction allowed under section 179D of the Code, as defined in G.S. 105-228.90, for designing energy efficient commercial building property that is installed on or in property owned by the State. The allocation must be made in accordance with section 179D of the Code.

Except for sub-subdivisions b., b1., e., and f. of this subdivision, this subdivision does not apply to either (i) the design, construction, or renovation of projects by The University of North Carolina pursuant to ~~G.S. 116-31.11~~ G.S. 116-31.11 or (ii) the North Carolina Zoological Park Council and the Department of Natural and Cultural Resources, with respect to projects at the North Carolina Zoological Park pursuant to G.S. 143B-135.214.

...."

SECTION 2. Part 39 of Article 2 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-135.214. Powers of Council and Department regarding certain fee negotiations, contracts, and capital improvements.

(a) The exception for the North Carolina Zoological Park set forth in G.S. 143-341(3) shall apply only to projects requiring the estimated expenditure of public money of two million dollars (\$2,000,000) or less. The Council and the Department of Natural and Cultural Resources shall, with respect to the design, construction, or renovation of buildings, utilities, and other property developments of the North Carolina Zoological Park that fall below that threshold:

- (1) Conduct the fee negotiations for all design contracts and supervise the letting of all construction and design contracts.

- 1 (2) Develop procedures governing the responsibilities of the Council and the
2 Department to perform the duties of the Department of Administration under
3 G.S. 133-1.1(d) and G.S. 143-341(3).
- 4 (3) Develop procedures and reasonable limitations governing the use of
5 open-end design agreements, subject to the approval of the State Building
6 Commission.
- 7 (4) Use existing plans and specifications for construction projects, where
8 feasible. Prior to designing a project, the Council and the Department shall
9 consult with the Department of Administration on the availability of existing
10 plans and specifications and the feasibility of using them for a project.
- 11 (b) The Council and Department shall use the standard contracts for design and
12 construction currently in use for State capital improvement projects by the Office of State
13 Construction of the Department of Administration.
- 14 (c) A contract may not be divided for the purpose of evading the monetary limit under
15 this section.
- 16 (d) Notwithstanding any other provision of this Chapter, the Department of
17 Administration shall not be the awarding authority for contracts awarded pursuant to this
18 section.
- 19 (e) This section does not exempt any capital improvement project from review and
20 approval as may be required by law by the city or county having jurisdiction over the property.
- 21 (f) The Department shall annually report to the State Building Commission the
22 following:
- 23 (1) A list of projects governed by this section.
24 (2) The estimated cost of each project along with the actual cost.
25 (3) The name of each person awarded a contract under this section.
26 (4) Whether the person or business awarded a contract under this section meets
27 the definition of "minority business" or "minority person" as defined in
28 G.S. 143-128.2(g)."

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