

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 871

Short Title: Capital Project Oversight Changes-Comm. Coll. (Public)

Sponsors: Senator McInnis (Primary Sponsor).

Referred to: Rules and Operations of the Senate

May 27, 2022

A BILL TO BE ENTITLED

AN ACT TO ENABLE THE STATE BOARD OF COMMUNITY COLLEGES TO
STREAMLINE DELEGATION OF CERTAIN CAPITAL PROJECTS TO COMMUNITY
COLLEGE CAMPUSES AND TO ESTABLISH A PROCEDURE FOR THE
DEPARTMENT OF ADMINISTRATION TO ASSIST COMMUNITY COLLEGES WITH
PROJECTS UPON REQUEST.

The General Assembly of North Carolina enacts:

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

"§ 115D-9. 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-funded property developments of the North Carolina Community College System requiring the estimated expenditure of public money of 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 Board.

(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.



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

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

6 (g) ~~The~~ For projects two million dollars (\$2,000,000) or more, funded with public money,
7 the Community Colleges System Office shall report no later than October 1 of each year to the
8 State Building Commission the following:

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

15 (h) The provisions of G.S. 143-341(3) shall not apply to a capital improvement project
16 funded with non-State funds or for projects less than two million dollars (\$2,000,000) that have
17 been delegated pursuant to subsection (c) of this section if the State Board of Community
18 Colleges determines that the college has the expertise necessary to manage the project unless the
19 assistance of the Office of State Construction is requested."

20 **SECTION 2.** G.S. 143-341 reads as rewritten:

21 "**§ 143-341. Powers and duties of Department.**

22 The Department of Administration has the following powers and duties:

- 23 ...
- 24 (3) Architecture and Engineering:
 - 25 a. To examine and approve all plans and specifications for the
26 construction or renovation of the following:
 - 27 ...
 - 28 2. All community college buildings meeting the following
29 criteria:
 - 30 I. A project requiring the estimated expenditure of public
31 money for construction or repair work of two million
32 dollars (\$2,000,000) or more prior to the awarding of a
33 contract for such work; and to examine and approve all
34 changes in those plans and specifications made after the
35 contract for such work has been awarded.
 - 36 II. Upon receipt of a written request from the State Board
37 of Community Colleges, a project requiring the
38 estimated expenditure of public money for construction
39 or repair work of less than two million dollars
40 (\$2,000,000) prior to the awarding of a contract for
41 such work; and to examine and approve all changes in
42 those plans and specifications made after the contract
43 for such work has been awarded.

44"

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