

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2005**

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**HOUSE BILL 1464**  
**Committee Substitute Favorable 5/16/05**

Short Title: Repeal Sunset on UNC Design Contracts/Report.

(Public)

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Sponsors:

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Referred to:

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April 21, 2005

A BILL TO BE ENTITLED

1 AN ACT TO MAKE PERMANENT THE LAW PROVIDING FOR  
2 CONSTRUCTION AND DESIGN SUPERVISORY AUTHORITY FOR CERTAIN  
3 PROJECTS OF THE UNIVERSITY OF NORTH CAROLINA AND TO REQUIRE  
4 REPORTS ON ACTIONS TAKEN UNDER THAT LAW.  
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 14(a) of S.L. 2001-496 reads as rewritten:

8 "**SECTION 14.(a)** Sections 8(a) through 8(e) of this act become effective July 1,  
9 2001. Section 11.1 of this act becomes effective March 1, 2002. The remaining sections  
10 of Parts I and II of this act become effective January 1, 2002, and apply to construction  
11 projects for which bids or proposals are solicited on or after that date. The remainder of  
12 this act is effective when it becomes law.~~Sections 8(a) through 8(e) of this act expire~~  
13 ~~December 31, 2006.~~"

14 **SECTION 2.** G.S. 116-31.11 reads as rewritten:

15 "**§ 116-31.11. Powers of Board regarding certain fee negotiations, contracts, and**  
16 **capital improvements.**

17 (a) Notwithstanding G.S. 143-341(3) and G.S. 143-135.1, the Board shall, with  
18 respect to the design, construction, or renovation of buildings, utilities, and other  
19 property developments of The University of North Carolina requiring the estimated  
20 expenditure of public money of two million dollars (\$2,000,000) or less:

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

23 (2) Develop procedures governing the responsibilities of The University  
24 of North Carolina and its affiliated and constituent institutions to  
25 perform the duties of the Department of Administration and the  
26 Director or Office of State Construction under G.S. 133-1.1(d) and  
27 G.S. 143-341(3).

1           (3)    Develop procedures and reasonable limitations governing the use of  
2                    open-end design agreements, subject to G.S. 143-64.34 and the  
3                    approval of the State Building Commission.

4           (b)    The Board may delegate its authority under subsection (a) of this section to a  
5           constituent or affiliated institution if the institution is qualified under guidelines adopted  
6           by the Board and approved by the State Building Commission and the Director of the  
7           Budget.

8           (c)    The University shall use the standard contracts for design and construction  
9           currently in use for State capital improvement projects by the Office of State  
10          Construction of the Department of Administration.

11          (d)    A contract may not be divided for the purpose of evading the monetary limit  
12          under this section.

13          (e)    Notwithstanding any other provision of this Chapter, the Department of  
14          Administration shall not be the awarding authority for contracts awarded pursuant to  
15          this section.

16          (f)    The Board of Governors shall annually report to the State Building  
17          Commission the following:

18                (1)    A list of projects governed by this section.

19                (2)    The estimated cost of each project along with the actual cost.

20                (3)    The name of each person awarded a contract under this section.

21                (4)    Whether the person or business awarded a contract under this section  
22                    meets the definition of 'minority business' or 'minority person' as  
23                    defined in G.S. 143-128.2(g)."

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