

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE DRS85390-LEz-255* (5/1)

Short Title: Use of Existing Plans for State Construction. (Public)

Sponsors: Senators Garrou, Dannelly, Stevens, and Garwood.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE STATE AGENCIES TO USE EXISTING PLANS FOR
STATE CONSTRUCTION PROJECTS WHERE FEASIBLE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-31.1 reads as rewritten:

"§ 143-31.1. ~~Study~~ Use of existing plans for State construction projects; study and review of plans and specifications for building, improvement, etc., projects.

(a) All State agencies shall 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.

(b) ~~It shall be the duty and responsibility of the~~The Director of the Budget ~~to shall determine~~ whether buildings, repairs, alterations, additions or improvements to physical properties for which appropriations of State funds are made have been designed for the specific purpose for which such appropriations are made, that such projects have been designed giving proper consideration to economy in first cost, in maintenance cost, in materials and type of construction. Architectural features shall be selected which give proper consideration to economy in design. The Director of the Budget shall have prepared a complete study and review of all plans and specifications for such projects and bids on same will not be received until the results of such study and review have been incorporated in such plans and specifications, and until economic conditions of the construction industry are considered by the Office of State Budget and Management to be favorable to the letting of construction contracts. The Director of the Budget may, when he considers it in the best interest of the State to do so, terminate design contracts when it is documented that the designer has failed to perform the conditions enumerated in the contract.

1 Notwithstanding G.S. 143-135, the Director of the Budget may authorize the
2 Department of Health and Human Services and the Department of Correction to use
3 funds necessary for projects that correct deficiencies, improve living conditions, or
4 renovate unneeded patient space for State office space."

5 **SECTION 2.** G.S. 116-31.11(a) reads as rewritten:

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

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

12 (2) Develop procedures governing the responsibilities of The University
13 of North Carolina and its affiliated and constituent institutions to
14 perform the duties of the Department of Administration and the
15 Director or Office of State Construction under G.S. 133-1.1(d) and
16 G.S. 143-341(3).

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

20 (4) Use existing plans and specifications for construction projects, where
21 feasible. Prior to designing a project, the Board shall consult with the
22 Department of Administration on the availability of existing plans and
23 specifications and the feasibility of using them for a project."

24 **SECTION 3.** This act becomes effective July 1, 2006, and applies to
25 construction projects on which design is begun after that date.