

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 2770
Committee Substitute Favorable 6/16/08
Committee Substitute #2 Favorable 6/19/08

Short Title: Winston-Salem/Asheboro Force Account Limit.

(Local)

Sponsors:

Referred to:

May 29, 2008

A BILL TO BE ENTITLED

AN ACT INCREASING THE FORCE ACCOUNT LIMIT FOR THE CITIES OF
WINSTON-SALEM AND ASHEBORO FOR CONSTRUCTION OR REPAIR
PROJECTS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 143-135 reads as rewritten:

"§ 143-135. Limitation of application of Article.

Except for the provisions of G.S. 143-129 requiring bids for the purchase of apparatus, supplies, materials or equipment, this Article shall not apply to construction or repair work undertaken by the State or by subdivisions of the State of North Carolina (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the agency concerned and (ii) when ~~either~~ the total cost of the project, including without limitation all direct and indirect costs of labor, services, materials, supplies and equipment, does not exceed ~~one hundred twenty five thousand dollars (\$125,000) or the total cost of labor on the project does not exceed fifty thousand dollars (\$50,000);~~ three hundred thousand dollars (\$300,000); provided that, for The University of North Carolina and its constituent institutions, force account qualified labor may be used (i) when the work is performed by duly elected officers or agents using force account qualified labor on the permanent payroll of the university and (ii) when either the total cost of the project, including, without limitation, all direct and indirect costs of labor, services, materials, supplies, and equipment, does not exceed two hundred thousand dollars (\$200,000) or the total cost of labor on the project does not exceed one hundred thousand dollars (\$100,000). This force account work shall be subject to the approval of the Director of the Budget in the case of State agencies, of the responsible commission, council, or board in the case of subdivisions of the State. Complete and accurate records of the entire cost of such work, including without limitation, all direct and indirect costs of labor, services, materials, supplies and equipment performed and furnished in the prosecution and completion thereof, shall be

1 maintained by such agency, commission, council or board for the inspection by the
2 general public. Construction or repair work undertaken pursuant to this section shall not
3 be divided for the purposes of evading the provisions of this Article."

4 **SECTION 1.(b)** This section applies only to the Carver School, Brewer,
5 Robinhood and Cole Road/Sprague Street road projects and the Piedmont, Brushy Fork,
6 Little Creek, Salem Creek Extension, and Muddy Creek greenway projects.

7 **SECTION 1.(c)** This section applies to the City of Winston-Salem only.

8 **SECTION 1.(d)** This section expires July 1, 2010.

9 **SECTION 2.(a)** G.S. 143-135 reads as rewritten:

10 **"§ 143-135. Limitation of application of Article.**

11 Except for the provisions of G.S. 143-129 requiring bids for the purchase of
12 apparatus, supplies, materials or equipment, this Article shall not apply to construction
13 or repair work undertaken by the State or by subdivisions of the State of North Carolina
14 (i) when the work is performed by duly elected officers or agents using force account
15 qualified labor on the permanent payroll of the agency concerned and (ii) when ~~either~~
16 the total cost of the project, including without limitation all direct and indirect costs of
17 labor, services, materials, supplies and equipment, does not exceed ~~one hundred~~
18 ~~twenty five thousand dollars (\$125,000) or the total cost of labor on the project does not~~
19 ~~exceed fifty thousand dollars (\$50,000);~~ three hundred thousand dollars (\$300,000);
20 provided that, for The University of North Carolina and its constituent institutions, force
21 account qualified labor may be used (i) when the work is performed by duly elected
22 officers or agents using force account qualified labor on the permanent payroll of the
23 university and (ii) when either the total cost of the project, including, without limitation,
24 all direct and indirect costs of labor, services, materials, supplies, and equipment, does
25 not exceed two hundred thousand dollars (\$200,000) or the total cost of labor on the
26 project does not exceed one hundred thousand dollars (\$100,000). This force account
27 work shall be subject to the approval of the Director of the Budget in the case of State
28 agencies, of the responsible commission, council, or board in the case of subdivisions of
29 the State. Complete and accurate records of the entire cost of such work, including
30 without limitation, all direct and indirect costs of labor, services, materials, supplies and
31 equipment performed and furnished in the prosecution and completion thereof, shall be
32 maintained by such agency, commission, council or board for the inspection by the
33 general public. Construction or repair work undertaken pursuant to this section shall not
34 be divided for the purposes of evading the provisions of this Article."

35 **SECTION 2.(b)** This section applies only to the Zoo City Park Project.

36 **SECTION 2.(c)** This section applies to the City of Asheboro only.

37 **SECTION 2.(d)** This section expires December 31, 2010.

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