

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 56

Short Title: Charlotte Charter/Design-Build Construction. (Local)

Sponsors: Senators Clodfelter; Dannelly and Graham.

Referred to: Finance.

February 10, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT AMENDING THE CHARTER OF THE CITY OF CHARLOTTE TO AUTHORIZE  
3 THE CITY TO USE THE DESIGN-BUILD DELIVERY METHODS FOR  
4 CONSTRUCTION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article III of the Charter of the City of Charlotte, being S.L. 2000-26  
7 as amended, is amended by adding a new section to read as follows:

8 **"§ 8.89. City may utilize design-build delivery methods.**

9 (a) The City may contract for the design and construction of public projects without  
10 being subject to the requirements of G.S. 143-128, 143-129, 143-131, 143-132, 143-64.31, and  
11 143-64.32. This authorization includes the use of the following methods: design-build;  
12 design-build-finance; design-build-finance-operate; design-build-finance-operate-maintain; or  
13 any combination of design-build, finance, operate, or maintain.

14 (b) The City shall request proposals from at least three design-build teams. If three  
15 proposals are not received and the project has been publicly advertised for a minimum of 30  
16 days, then the City may proceed with the proposals received. The Council shall award the  
17 contract to the best qualified contractor, taking into account the time of completion of the  
18 project, the capital and operation and maintenance cost of the project, the technical merits of  
19 the proposal, and any other factors and information set forth in the request for proposals that  
20 the City determines to have a material bearing on the ability to evaluate any proposal.

21 (c) The City shall not be required to pay within 45 days after the project has been  
22 accepted by the owner, certified by the architect, engineer, or designer as being completed in  
23 accordance with terms of the plans and specifications, or occupied by the owner and used for  
24 the purpose for which the project was constructed, that portion of the project costs that are  
25 subject to delayed-payments scheduled by the prime contract to occur after the project has been  
26 accepted by the owner, certified by the architect, engineer, or designer as being completed in  
27 accordance with terms of the plans and specifications, or occupied by the owner and used for  
28 the purpose for which the project was constructed."

29 **SECTION 2.** S.L. 2007-312 is repealed.

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

