

STATE BOARD OF COMMUNITY COLLEGES
Construction Delegated Authority Guidelines for Certain Capital Projects (\$2M) Revised

Request: The State Board of Community Colleges (SBCC) is requested to approve revisions to the construction delegated authority guidelines for Certain Capital Projects (\$2M)

Background: G.S. 143-341(3)(a)(2) eliminated State Construction Office (SCO) supervision of community college capital projects between \$500,000 and less than \$2,000,000 upon authorization of the State Board of Community Colleges (SBCC).

No college may exercise broadened authority to manage capital improvement projects absent SBCC approval. If the SBCC confers delegated authority to a college, the college continues to be subject to all other statutes and rules governing community college capital improvement projects, including, but not limited to, Chapter 115D of the General Statutes, G.S. 143-64.31-.34, G.S 143-129, and G.S. 133-1.1.

Duties and Responsibilities: If the SBCC approves a college for this delegation, the college will assume the following duties and responsibilities:

1. **Selection of Architect/Engineer:** The college board of trustees continues to select the architect/engineer. The Board of Trustees may expedite the designer approval process through documented delegation of limited authority to the college president for designer selections. The Capital Project Coordinator (CPC) must review the process to ensure compliance with State Building Commission recommendations and GS 143-64.31-34.
2. **Design Fee Negotiation and Preparation of Design Agreements:** The college is responsible for negotiating design fees and preparing design agreements. The design contract must comply with G.S. 115D-9(d). These duties shall be accomplished in consultation with the CPC, college facilities staff, college business office staff, and college attorney. System Office staff will provide periodic feedback to the college regarding design fee trends as such information is obtained. The design agreement must be signed by a person authorized to commit the college to a financial obligation.
3. **Design Review and Coordination of Design Reviews with Regulatory Agencies of State Government:** The college is responsible for examining and approving all plans and specifications for the capital improvement project. The CPC, or other college designee, is responsible for coordinating with the design consultant to ensure that applicable reviews by the regulatory agencies as described in the "Regulatory Review Agencies" chapter of the State Construction Manual are submitted and that all subsequent comments are satisfactorily resolved.

4. Advertisement of Construction Bids, Bid Opening, Bid Evaluation, and Award
Recommendation: The college is responsible for ensuring that these responsibilities are performed consistent with G.S. 143-129.
5. Construction Contract Award: The college's Board of Trustees is the contract award approving authority. The college attorney must review the contract as to form. The contract must conform with G.S. 115D-9(d).
6. Pre-Construction Conference and Issuance of Notice to Proceed: The college is responsible for holding the pre-construction conference and issuing the Notice to Proceed in consultation with the design consultant.
7. Work in Progress (Construction Management): The CPC, in consultation with college staff, is responsible for this duty as described in the Construction Management chapter of the State Construction manual as the designated project monitor.
8. Change Order Management: The CPC, in consultation with other college staff, shall have the responsibility of managing change orders.
9. Dispute Resolution: The college is fully responsible for managing the resolution of disputes. The college board of trustees must adopt a dispute management resolution process consistent with G.S. 143-128 and incorporate this dispute resolution process, which includes mediation, in the terms of the construction contract.

Final Acceptance and Close Out: The Board of Trustees is responsible for authorizing final project acceptance, based on the recommendations of the CPC and after issuance of a Certificate of Occupancy by the local building and electrical inspector and a Certificate of Compliance by the designer as described in the Final Acceptance of the State Construction Manual.

Process for Requesting Delegated Authority: To request SBCC approval for delegated authority for projects with a total cost between \$500,000 and less than \$2,000,000, a college must submit the NC Community College System Office Form 3-8A via email to CIPProjects@nccommunitycolleges.edu. Once Form 3-8A is received from a college, System Office staff will review the request and provide the information to the SBCC. The review will include, but is not limited to, the following:

1. **Assessment of College Capacity:** This review will be based on the presence of the following capacity:
 - a. **Capital Projects Coordinator (CPC):** The CPC is the person at the college who is responsible for the capital construction process and performs the duties as described in the State Construction Manual. CPC must be familiar with the State Construction process

as demonstrated by having attended the training course for CPCs given by the State Construction Office and having experience with capital improvement projects, or comparable experience.

- b. **Technical Construction Expertise:** The college must have access to technical construction expertise, as demonstrated by licensed credentials and experience, to fulfill duties and responsibilities. Technical expertise may be provided by either college staff or through contracted professional services. Acceptable licensed credentials include 1) licensed architect or 2) licensed professional engineer.
- c. **Attorney:** The Board of Trustees should have available the services of an attorney versed in construction law to provide the appropriate legal advice and representation. The attorney may either be an employee of the college or on contract.
- d. **Administrative support personnel:** The college must designate administrative staff to provide support to the CPC.

The SBCC will determine whether to delegate authority to the colleges. If a college receives approval of delegated authority, approval will be communicated to the State Construction Office. If a college is approved to have delegated authority under these guidelines, they may later request the SBCC to ask for SCO supervision for an individual project. This request must be in written form and submitted to the System Office at CIPProjects@nccommunitycolleges.edu.

If a college receives approval for construction delegated authority, the college must resubmit a NCCCS 3-8A Form each year.

Authority to Rescind Construction Delegated Authority: The SBCC may rescind a college's delegated authority under any of the following circumstances:

Failure to comply with statutes, rules, and procedures governing community college capital improvement projects.

- a. Failure to annually submit a NCCCS 3-8A Form or to inform the SBCC of any significant change impacting the college's capacity to manage the delegated authority as represented in its original request.
- b. Negative audit findings associated with construction management.
- c. Demonstrated problems managing its construction delegated authority.
- d. A college requests the SBCC to rescind a previously approved delegated authority.

Contact:

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