

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2017**

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**HOUSE BILL 1012**

Short Title: DOT/Project Delivery Method Pilot Project. (Public)

Sponsors: Representatives Torbett, Iler, Presnell, and Shepard (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Transportation, if favorable, State and Local Government II

May 28, 2018

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH AND IMPLEMENT A PILOT PROJECT TO AWARD TRANSPORTATION PROJECT CONTRACTS ON A CONSTRUCTION MANAGER-GENERAL CONTRACTOR BASIS, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Definition. – For purposes of this act, the term "construction manager-general contractor" means a project delivery method that allows the use of a construction manager during the design process to provide input on the design. During the design phase, the construction manager provides advice, including constructability review, scheduling, pricing, and phasing, to assist in designing a more efficient and well-designed project. The construction manager may subsequently act as the general contractor and construct the project if the department and the construction manager-general contractor reach agreement on a guaranteed maximum price for construction.

**SECTION 2.** Pilot Project. – Notwithstanding any provision of Chapter 136 of the General Statutes to the contrary, the Department of Transportation may establish and implement a pilot project to award contracts for up to five projects for the construction of transportation projects on a construction manager-general contractor basis. The Department may only award a contract under this section if (i) the cost of the project is determined by the Department to be less than one hundred million dollars (\$100,000,000), (ii) the Department determines that it is in the public interest to use the construction manager-general contractor basis for the project, (iii) the Department prequalifies the contractor that will be awarded the contract, (iv) the Department complies with the pre-award reporting requirement set forth in Section 3 of this act, and (v) the Department has established and implemented guidelines as required under Section 4 of this act.

**SECTION 3.** Report. – Prior to the award of a contract under the authority set forth in Section 2 of this act, the Department shall submit a pre-award report to the Joint Legislative Transportation Oversight Committee on the nature and scope of the project and the reasons using the construction manager-general contractor basis will best serve the public interest. Upon completion of a project awarded under Section 2 of this act, the Department shall submit a post-completion report to the Joint Legislative Transportation Oversight Committee detailing the results of the project, including any cost and time efficiencies achieved as a result of using the construction manager-general contractor basis.

**SECTION 4.** Guidelines. – The Department shall develop and implement guidelines for the awarding of contracts under Section 2 of this act.



1           **SECTION 5.** Effective Date. – This act is effective when it becomes law. This act  
2 expires upon submission of the post-completion report required under Section 3 of this act for  
3 the final project completed under the authority set forth in Section 2 of this act.