



# *City Of Raleigh*

NORTH CAROLINA

**DATE:** November 14, 2014  
**MEMO TO:** Mayor and Council Members  
**SUBJECT:** Council Work Session

The City Council will meet in work session 11:30 a.m. on Tuesday, November 18, 2014, in Conference Room 300, Raleigh Municipal Building, 222 West Hargett Street, Avery C. Upchurch Government Complex, Raleigh, North Carolina.

**11:30 a.m. Lunch – Pick up - Conference Room 300**

**Topic 1 Pre-Qualification Requirements for Design and Construction Projects**  
Staff Resource: Mary Waller, Finance Department/Purchasing

Staff will present information regarding a policy for prequalification of bidders for construction projects. The final version will be brought to Council for adoption at the December 2, 2014 meeting.

**Topic 2 Status – Comprehensive Plan Update**  
Staff Resource: Trisha Hasch, Planning & Development Department

Planning staff will provide a brief presentation on the scope of work for the 2030 Comprehensive Plan update. The project is getting underway currently with due diligence activities. It is anticipated that the update will be complete and presented to City Council in November 2015.

Louis M. Buonpane  
Chief of Staff

cc: City Manager Ruffin Hall  
City Attorney Tom McCormick  
City Clerk Gail Smith  
Assistant City Managers Marchell Adams David, James S. Greene, Jr. and Tansy Hayward

**One Exchange Plaza**  
1 Exchange Plaza, Suite 1020  
Raleigh, North Carolina 27601

**City of Raleigh**  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
**(Mailing Address)**  
*Printed on Recycled Paper*

**Municipal Building**  
222 West Hargett Street  
Raleigh, North Carolina 27601



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## Coates' Canons Blog: New Construction Contractor Prequalification Requirements

By Norma Houston

Article: <http://canons.sog.unc.edu/?p=7785>

This entry was posted on July 29, 2014 and is filed under **Construction Contracts, Legislation, Purchasing, Construction, Property Transactions**

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Since 1995, local governments have had express statutory authorization to prequalify bidders for public construction contracts under [G.S. 143-135.8](#). If you look to this statute for guidance on the criteria or process to be used for prequalifying bidders, you will find the following:

“Bidders may be prequalified for any public construction project.”

That's it? That's it. For almost 20 years, local governments have had the legal authority to prequalify bidders for construction projects but have had no statutory guidance on how to do it. Not many local governments use prequalification, and those that do often look to the NC State Construction Office's prequalification forms and scoring matrix for guidance (these documents are available on the [SCO website](#)). Now, thanks to legislation recently enacted by the General Assembly, specific statutory procedures and requirements will apply to the prequalification process.

### ***What is the new law and where did it come from?***

During the 2013 legislative session, the General Assembly created the Purchase and Contract Study Committee to study “the issue of prequalification on public nontransportation construction work for both local and State government projects.” ( [S.L. 2013-401, s. 8](#)). The committee met during the 2013-14 legislative interim and found that the existing statutory authorization for prequalification was broad and open to subjective interpretation (you can read the committee's report, meeting minutes, and presentation materials on the [committee's website](#).) The committee's recommendations took the form of [H1043](#) which was introduced when the General Assembly reconvened in May. The legislation passed and was signed into law by the Governor on June 30th.

The new law, [S.L. 2014-42 \(H1043\)](#), amends G.S. 143-135.8 by establishing specific procedural requirements for when and how local governments may prequalify construction contractors to bid on construction and repair contracts (these new requirements also apply to the prequalification of first-tier subcontractors by a construction manager at risk under [G.S. 143-128.1\(c\)](#)). The focus of these new requirements is to ensure that a prequalification process is conducted transparently using criteria that relate to the specific project being bid and which are applied objectively and fairly to all bidders. The new requirements also give bidders an opportunity to learn why they were denied prequalification and to appeal that denial. The changes go into effect on October 1, 2014, and apply to all contracts *awarded* on or after that date.

### ***What is prequalification?***

Prequalification is defined under the new G.S. 143-135.8(f)(2) as “[a] process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work.” This statutory definition mirrors the definition of a responsible bidder articulated by the North Carolina Court of Appeals interpreting the lowest responsive, responsible bidder standard of award for purchase and construction contracts in the informal and formal competitive bidding ranges.<sup>[1]</sup> Thus, the statutory definition of prequalification is the same as the legal standard articulated by the courts for determining whether a bidder is responsible.

Practically speaking, when a local government uses prequalification in a bidding process, it conducts its responsible bidder determination *prior* to receiving bids instead of when considering bids *after* they have been received. The local

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government first prequalifies potential bidders and then accepts bids only from those bidders who were prequalified. The local government may still apply the responsible bidder standard when evaluating bids, but it may not reject a bidder based on a specific factor for which the local government granted prequalification for bidding on that contract.

### ***When may prequalification be used?***

Under the new version of G.S. 143-135.8, prequalification is prohibited unless the requirements of the statute are followed. Prequalification may be used only when all of the following conditions in the new G.S. 143-135.8(b) are met:

1. The local government is using one of the construction methods authorized in [G.S. 143-128\(a1\)\(1\) through G.S. 143-128\(a1\)\(3\)](#) (single-prime, separate-prime or dual bidding).
2. The governing body adopts an objective prequalification policy applicable to all construction or repair work; the policy must be adopted *prior to* advertising the contract for which the governmental entity intends to prequalify bidders.
3. The local government adopts the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for prequalification on that project.

### ***When is prequalification prohibited?***

Prequalification is specifically prohibited when selecting architects, engineers, surveyors, construction managers at risk, design-builders, preliminary designers for design-build bridging projects, and private developers for public-private partnership contracts (all of these categories of contracts are subject to the Mini-Brooks Act under [G.S. 143-64.31](#)). However, a construction manager at risk must follow the new procedures when prequalifying first-tier subcontractors under [G.S. 143-128.1\(c\)](#).

### ***Is there a dollar threshold for using (or prohibiting the use of) prequalification?***

The statute does not set a threshold or minimum contract cost for using prequalification, so the process may be used regardless of the cost of the project. While prequalification can only be used when the local government is employing the single-prime, separate-prime, or dual-bidding contracting methods, these methods are not limited to building construction projects costing \$300,000 or more (although they are among several contracting methods specifically authorized for such projects). Local governments are not prohibited from using these contracting methods for other types of construction projects, and in fact, they are the primary methods used on most construction and repair projects. Thus, whenever a local government is using the single-prime, separate-prime, or dual bidding methods, it may prequalify bidders if it chooses to do so as long as it follows the new statutory requirements.

### ***What must be included in a prequalification criteria policy?***

The new prequalification statute specifically requires that a local government's prequalification criteria policy must:

1. Be uniform, consistent, and transparent in its application to all bidders.
2. Allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project (in other words, a bidder who meets the prequalification criteria must be allowed to bid on the project).
3. Clearly state the prequalification criteria, which must comply with all of the following:
  1. Be rationally related to construction or repair work.
  2. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
  3. Permit bidders to submit history or experience with projects of similar size, scope, or complexity.
4. Clearly state the assessment process of the criteria to be used.
5. Establish a process for a bidder to protest to the governmental entity its denial of prequalification. The protest process must be completed prior to the bid opening to allow sufficient time for a bidder whose protest is successful

to submit a bid on that project.

6. Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.

### ***What type of notice must be given to bidders when prequalification is used?***

Although the new prequalification statute does not require a specific method of notice to bidders, public agencies should include notice that prequalification will be used on the project as part of the notice for the opportunity to submit bids on the project (for example, in the legal advertisement required under formal bidding procedures in [G.S. 143-129\(b\)](#)). In addition, the local government should make available its prequalification criteria policy and the criteria for that particular project to ensure that interested bidders are able to fully comply with the local government's requirements for submitting qualifications. I recommend that the prequalification criteria policy and criteria be included as part of the specifications for that project.

### ***What happens if a bid is received from a bidder who is not prequalified?***

The new prequalification statute specifically states that a bid submitted by a bidder who was not prequalified "shall" be rejected as being nonresponsive. However, the local government may not reject a bid from a bidder who was initially denied prequalification and then subsequently prequalified after filing a denial protest under the local government's prequalification policy.

### ***When do these new prequalification requirements go into effect?***

The changes to G.S. 143-135.8 go into effect on October 1, 2014, and apply to all contracts *awarded* on or after that date. If the bidding process on a construction project is initiated *prior* to October 1<sup>st</sup>, but the contract will be *awarded* after October 1<sup>st</sup>, the new prequalification requirements and process *will apply* if the local government intends to prequalify bidders for that contract.

### ***Is there an example of prequalification criteria?***

As I mentioned at the beginning of this post, many local governments look to the NC State Construction Office's prequalification forms and scoring matrix for guidance (these documents are available on the [SCO website](#)). It is important to note that the new prequalification statute requires that the local government's governing board adopt a prequalification criteria policy and assessment tool *prior* to advertising for bids. The local government cannot adopt its criteria policy or develop its assessment tool (which must include prequalification scoring values and the minimum required score for prequalification) after it has initiated the bidding process. If the local government wishes to change its criteria policy, that change will require governing board approval.

[1] *Kinsey Contracting Co., Inc. v. City of Fayetteville*, 106 N.C. App. 383, 385, 416 S.E.2d 607, 609 (1992).

## **Links**

- [www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-135.8](http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-135.8)
- [www.nc-sco.com/prequalforms.aspx](http://www.nc-sco.com/prequalforms.aspx)
- [www.ncleg.net/Sessions/2013/Bills/House/HTML/H857v8.html](http://www.ncleg.net/Sessions/2013/Bills/House/HTML/H857v8.html)
- [www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=248](http://www.ncleg.net/gascripts/DocumentSites/browseDocSite.asp?nID=248)
- [www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=H1043&submitButton=Go](http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2013&BillID=H1043&submitButton=Go)
- [www.ncleg.net/Sessions/2013/Bills/House/HTML/H1043v6.html](http://www.ncleg.net/Sessions/2013/Bills/House/HTML/H1043v6.html)
- [www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-128.1](http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-128.1)



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- [www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-128](http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-128)
  - [www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-64.31](http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-64.31)
  - [www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-129](http://www.ncleg.net/gascripts/statutes/statutelookup.pl?statute=143-129)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SESSION LAW 2014-42  
HOUSE BILL 1043

AN ACT TO CLARIFY THE STATUTES RELATED TO THE USE OF PREQUALIFICATION IN PUBLIC CONSTRUCTION CONTRACTING, AS STUDIED BY THE JOINT PURCHASE AND CONTRACT STUDY COMMITTEE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-135.8 reads as rewritten:

**"§ 143-135.8. Prequalification.**

- (a) Except as provided in this section, Bidders~~bidders~~ may not be prequalified for any ~~public~~-construction or repair work project.
- (b) A governmental entity may prequalify bidders for a particular construction or repair work project when all of the following apply:
- (1) The governmental entity is using one of the construction methods authorized in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3).
  - (2) The board or governing body of the governmental entity adopts an objective prequalification policy applicable to all construction or repair work prior to the advertisement of the contract for which the governmental entity intends to prequalify bidders.
  - (3) The governmental entity has adopted the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for prequalification on that project.
- (c) The objective prequalification policy adopted by a governmental entity pursuant to subdivision (2) of subsection (b) of this section shall meet all of the following criteria:
- (1) Must be uniform, consistent, and transparent in its application to all bidders.
  - (2) Must allow all bidders who meet the prequalification criteria to be prequalified to bid on the construction or repair work project.
  - (3) Clearly state the prequalification criteria, which must comply with all of the following:
    - a. Be rationally related to construction or repair work.
    - b. Not require that the bidder has previously been awarded a construction or repair project by the governmental entity.
    - c. Permit bidders to submit history or experience with projects of similar size, scope, or complexity.
  - (4) Clearly state the assessment process of the criteria to be used.
  - (5) Establish a process for a denied bidder to protest to the governmental entity denial of prequalification, which process shall be completed prior to the opening of bids under G.S. 143-129(b) and which allows sufficient time for a bidder subsequently prequalified pursuant to a protest to submit a bid on the contract for which the bidder is subsequently prequalified.
  - (6) Outline a process by which the basis for denial of prequalification will be communicated in writing, upon request, to a bidder who is denied prequalification.
- (d) If the governmental entity opts to prequalify bidders, bids submitted by any bidder not prequalified shall be deemed nonresponsive. This subsection shall not apply to bidders initially denied prequalification that are subsequently prequalified pursuant to a protest under the governmental entity's prequalification policy.
- (e) Prequalification may not be used for the selection of any qualification-based services under Article 3D of this Chapter, G.S. 143-128.1A, G.S. 143-128.1B, G.S. 143-128.1C, or the selection of the construction manager at risk under G.S. 143-128.1.
- (f) For purposes of this section, the following definitions shall apply:
- (1) Governmental entity. – As defined in G.S. 143-128.1B(a)(6).
  - (2) Prequalification. – A process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to the faithful performance of a contract for construction or repair work."

**SECTION 2.** G.S. 143-128.1 reads as rewritten:

**"§ 143-128.1. Construction management at risk contracts.**

(a) For purposes of this section and G.S. 143-64.31:

- (1) "Construction management services" means services provided by a construction manager, which may include preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services, and construction administration.
- (2) "Construction management at risk services" means services provided by a person, corporation, or entity that (i) provides construction management services for a project throughout the preconstruction and construction phases, (ii) who is licensed as a general contractor, and (iii) who guarantees the cost of the project.
- (3) "Construction manager at risk" means a person, corporation, or entity that provides construction management at risk services.
- (4) "First-tier subcontractor" means a subcontractor who contracts directly with the construction manager at risk.

(b) The construction manager at risk shall be selected in accordance with Article 3D of this Chapter. Design services for a project shall be performed by a licensed architect or engineer. The public owner shall contract directly with the architect or engineer. The public owner shall make a good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities when selecting a construction manager at risk.

(c) The construction manager at risk shall contract directly with the public entity for all construction; shall publicly advertise as prescribed in G.S. 143-129; and shall prequalify and accept bids from first-tier subcontractors for all construction work under this section. The construction manager at risk shall use the prequalification criteria process shall be determined by the public entity and the construction manager at risk to address quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and other factors deemed appropriate by the public entity in accordance with G.S. 143-135.8, provided that public entity and the construction manager at risk shall jointly develop the assessment tool and criteria for that specific project, which must include the prequalification scoring values and minimum required score for prequalification on that project. The public entity shall require the construction manager at risk to submit its plan for compliance with G.S. 143-128.2 for approval by the public entity prior to soliciting bids for the project's first-tier subcontractors. A construction manager at risk and first-tier subcontractors shall make a good faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. A construction manager at risk may perform a portion of the work only if (i) bidding produces no responsible, responsive bidder for that portion of the work, the lowest responsible, responsive bidder will not execute a contract for the bid portion of the work, or the subcontractor defaults and a prequalified replacement cannot be obtained in a timely manner, and (ii) the public entity approves of the construction manager at risk's performance of the work. All bids shall be opened publicly, and once they are opened, shall be public records under Chapter 132 of the General Statutes. The construction manager at risk shall act as the fiduciary of the public entity in handling and opening bids. The construction manager at risk shall award the contract to the lowest responsible, responsive bidder, taking into consideration quality, performance, the time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, compliance with G.S. 143-128.2, and other factors deemed appropriate by the public entity and advertised as part of the bid solicitation. The public entity may require the selection of a different first-tier subcontractor for any portion of the work, consistent with this section, provided that the construction manager at risk is compensated for any additional cost incurred.

When contracts are awarded pursuant to this section, the public entity shall provide for a dispute resolution procedure as provided in G.S. 143-128(f1).

(d) The construction manager at risk shall provide a performance and payment bond to the public entity in accordance with the provisions of Article 3 of Chapter 44A of the General Statutes.

(e) Construction management at risk services may be used by the public entity only after the public entity has concluded that construction management at risk services is in the best interest of the project, and the public entity has compared the advantages and disadvantages of using the construction management at risk method for a given project in lieu of the delivery methods identified in G.S. 143-128(a1)(1) through G.S. 143-128(a1)(3). The public entity may not delegate this determination."

**SECTION 3.** G.S. 143-64.31(b), (c), and (d) are recodified as G.S. 143-133.1(a), (b), and (c).

**SECTION 4.** G.S. 143-64.31, as amended by Section 3 of this act, is amended to add a new subsection to read:

"(f) Except as provided in this subsection, no work product or design may be solicited, submitted, or considered as part of the selection process under this Article; and no costs or fees, other than unit price information, may be solicited, submitted, or considered as part of the selection process under this Article. Examples of prior completed work may be solicited, submitted, and considered when determining demonstrated competence and qualification of professional services; and discussion of concepts or approaches to the project, including impact on project schedules, is encouraged."

**SECTION 5.** G.S. 143-133.1, as created by Section 3 of this act, reads as rewritten:

**"§ 143-133.1. Reporting.**

(a) Public Governmental entities that contract with a construction manager at risk, design-builder, or private developer under a public-private partnership ~~under this section~~ shall report to the Secretary of Administration the following information on all projects where a construction manager at risk, design-builder, or private developer under a public-private partnership is utilized:

- (1) A detailed explanation of the reason why the particular construction manager at risk, design-builder, or private developer was selected.
- (2) The terms of the contract with the construction manager at risk, design-builder, or private developer.
- (3) A list of all other firms considered but not selected as the construction manager at risk, design-builder, or private developer, ~~and the amount of their proposed fees for services.~~ developer.
- (4) A report on the form of bidding utilized by the construction manager at risk, design-builder, or private developer on the project.
- (5) A detailed explanation of why the particular delivery method was used in lieu of the delivery methods identified in G.S. 143-128(a1) subdivisions (1) through (3) and the anticipated benefits to the public entity from using the particular delivery method.

(b) The Secretary of Administration shall adopt rules to implement the provisions of this ~~subsection~~ section, including the format and frequency of reporting.

(c) A ~~public body~~ governmental entity letting a contract pursuant to any of the delivery methods identified in subdivisions (a1)(4), (a1)(6), (a1)(7), or (a1)(8) of G.S. 143-128 shall submit the report required by ~~G.S. 143-64.31(b)~~ this section no later than 12 months from the date the ~~public body~~ governmental entity takes beneficial occupancy of the project. In the event that the ~~public body~~ governmental entity fails to do so, the ~~public body~~ governmental entity shall be prohibited from utilizing subdivisions (a1)(4), (a1)(6), (a1)(7), or (a1)(8) of G.S. 143-128 until such time as the ~~public body~~ governmental entity completes the reporting requirement under this section. Contracts entered into in violation of this prohibition shall not be deemed ultra vires and shall remain valid and fully enforceable. Any person, corporation or entity, however, which has submitted a bid or response to a request for proposals on any construction project previously advertised by the ~~public body~~ governmental entity shall be entitled to obtain an injunction against the ~~public body~~ governmental entity compelling the ~~public body~~ governmental entity to comply with the reporting requirements of this section and from commencing or continuing a project let in violation of this subdivision until such time as the ~~public body~~ governmental entity has complied with the reporting requirements of this section. The plaintiff in such cases shall not be entitled to recover monetary damages caused by the ~~public body's~~ governmental entity's failure to comply with this reporting requirements section, and neither the plaintiff nor the defendant shall be allowed to recover attorneys fees except as otherwise allowed by G.S. 1A-11 or G.S. 6-21.5. An action seeking the injunctive relief allowed by this subdivision must be filed within four years from the date that the ~~owner~~ governmental entity took beneficial occupancy of the project for which the report remains due.

(d) For purposes of this section, the term "governmental entity" shall have the same meaning as in G.S. 143-128.1B(a)(6)."

**SECTION 6.** G.S. 143-128.1B(b)(6) reads as rewritten:

"(6) The criteria utilized by the governmental entity, including a comparison of the ~~cost and benefit~~ advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1)."

**SECTION 7.** G.S. 143-128.1A(b)(6) reads as rewritten:

"(6) The criteria utilized by the governmental entity, including a comparison of the ~~costs and benefits~~ advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1)."

**SECTION 8.(a)** There is established a Blue Ribbon Commission to Study the Building and Infrastructure Needs of the State (Commission).

**SECTION 8.(b)** The Commission shall be composed of 20 members as follows:

- (1) Seven members appointed by the Speaker of the House of Representatives, as follows:
  - a. Three members of the House of Representatives.
  - b. One person upon recommendation of the North Carolina League of Municipalities.
  - c. One member of the public, licensed as an architect in this State.
  - d. One member of the public, licensed as a professional engineer in this State.
  - e. One person upon recommendation of the North Carolina Chamber.
- (2) Seven members appointed by the President Pro Tempore of the Senate, as follows:
  - a. Three members of the Senate.
  - b. One person upon recommendation of the North Carolina County Commissioners Association.
  - c. One person upon recommendation of the North Carolina School Boards Association.
  - d. One member of the public, licensed as a general contractor in this State.
  - e. One member of the public, licensed as an attorney in this State, with experience in

- infrastructure financing or infrastructure bonds.
- (3) Six members appointed by the Governor, as follows:
  - a. The State Treasurer, or the Treasurer's designee.
  - b. The Secretary of Administration, or the Secretary's designee.
  - c. The President of The University of North Carolina, or the President's designee.
  - d. The President of the North Carolina System of Community Colleges, or the President's designee.
  - e. A member of the State Water Infrastructure Authority.
  - f. The Secretary of the Department of Commerce, or the Secretary's designee.

**SECTION 8.(c)** The Commission shall study the following matters related to building and infrastructure needs, including new repairs, renovations, expansion, and new construction, in North Carolina:

- (1) The anticipated building construction needs of State agencies, The University of North Carolina, and North Carolina System of Community Colleges until 2025.
- (2) The anticipated water and sewer infrastructure construction needs of counties and cities until 2025.
- (3) The anticipated building needs of the local school boards until 2025.
- (4) The anticipated costs of such building and infrastructure needs.
- (5) A process that would prioritize needs within each infrastructure category and among all categories, with an emphasis on developing criteria that focus on public safety and economic development.
- (6) The feasibility of establishing a building and infrastructure fund, which would be a dedicated source of revenue for capital funding for counties, cities, local school boards, The University of North Carolina, the North Carolina System of Community Colleges, and State agencies.
- (7) Funding options for meeting the anticipated capital needs until 2025.
- (8) Other matters the Commission deems relevant and related.

**SECTION 8.(d)** The Speaker of the House of Representatives shall designate one Representative as cochair, and the President Pro Tempore of the Senate shall designate one Senator as cochair. The Commission shall meet upon the call of the cochairs. A quorum of the Commission shall be 10 members. Any vacancy on the Commission shall be filled by the appointing authority.

**SECTION 8.(e)** Members of the Commission shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.4. The Commission may meet upon the call of the cochairs. The Commission may meet in the Legislative Building or the Legislative Office Building. With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Commission in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to the clerical employees shall be borne by the Commission.

All State departments and agencies and local governments and their subdivisions shall furnish the Commission with any information in their possession or available to them.

**SECTION 8.(f)** The Commission may make an interim report of its findings and recommendations to the 2015 General Assembly and shall make a final report of its findings and recommendations to the 2016 Regular Session of the 2015 General Assembly. The Commission shall terminate on December 31, 2016, or upon the filing of its final report, whichever occurs first.

**SECTION 10.** Section 8 of this act is effective when it becomes law. The remainder of this act becomes effective October 1, 2014, and applies to contracts awarded on or after that date.

In the General Assembly read three times and ratified this the 26<sup>th</sup> day of June, 2014.

s/ Philip E. Berger  
President Pro Tempore of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

s/ Pat McCrory  
Governor

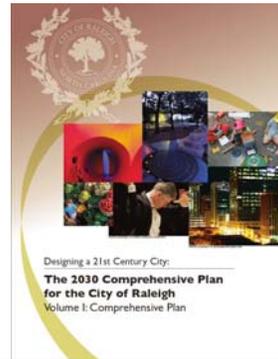
Approved 4:26 p.m. this 30<sup>th</sup> day of June, 2014



## 2030 Comprehensive Plan Five-Year Update

City Council  
November 18, 2014

### Why do an Update?



**Policy IM 3.1—  
Five-Year Updates**  
*Update the  
Comprehensive Plan  
every five years to  
remain current and  
relevant, with a  
particular focus on the  
Plan's policies and  
actions.*

### Goals for the Update

- Respond to the latest trends
- Integrate recent planning initiatives
- Incorporate new & emerging best practices
- Reflect organizational re-alignment
- Refresh stale policies & actions
- Improve the layout & organization of the document

### Three Phase Scope of Work

- 1. Due diligence**
  - Updated Databook & Policy Audit
- 2. Outreach and In-reach**
  - Boards & Commissions
  - Departmental Focus Groups
  - Public Workshops & On-line Engagement
- 3. Plan Drafting**
  - Recommendations White Paper
  - Public Open House
  - Draft Plan

**Adoption Process**

- Will be treated as a Comprehensive Plan Amendment under the UDO
- Planning Commission Review & Recommendation
  - Draft Plan Document
  - Itemized list of changes
- City Council Adoption

**Schedule**

Phase	Time Frame
Due Diligence	October 2014 – March 2015
Outreach & In-reach	April – July 2015
Plan Drafting	July – September 2015
Adoption Process	October - November 2015



**2030 Comprehensive Plan  
Five Year Update**

**Questions  
Comments  
Suggestions**