

Item Title: Request for Exemption From General Statutes §143-64.31 Dealing with Architectural and Engineering Services.

Specific Action Requested:

That the board approve Resolution R-88-1 (Attachment B) exempting projects with professional fees under thirty thousand dollars(\$30,000) from G.S. §143-64.31. That a standard format resolution be used for projects with professional fees over \$30,000. (Attachment C)

Item Summary:

During the 1987 session of the General Assembly GS §143-64.31 (Attachment A) dealing with procurement of architectural and engineering services was passed. This statute in summary reads that the State, all public sub-divisions and local units of government must select architectural and engineering firms based on demonstrated competence and qualifications to provide that service without regard to fee other than unit price information at the initial stage. Only after a firm has been selected are fees to be considered and then only as a portion of the contract negotiation process.

Section § 143-97.32 of the general statues provides for the exemptions of local units of Government from this pro vision. It reads as follows “Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this article:

- (A) proposed projects where and estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (B) other particular projects exempted in the sole discretion of the Department Of Transportation or the unit of local Government , stating the reasons therefore and the circumstance attendant thereto.

The staff feels that it would begin the best interest of the County to approve a resolution for the exemption of projects of under thirty thousand dollars and a standard resolution format for projects under thirty thousand dollars and a standard resolution format for projects over thirty thousand dollars to be used by the Board of Commissioners as appropriate.

Attachments: 3

**RESOLUTION EXEMPTING ALL PROJECTS FROM THE MODEL CODE
FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES
WHERE ESTIMATED PROFESSIONAL FEES
ARE LESS THAN THIRTY THOUSAND DOLLARS (\$30,000)**

WHEREAS, North Carolina General Statutes § 143-64.31 provides in part that architectural and engineering services shall be selected “ on the basis of demonstrated competence and qualification for the type of professional services required without regard to fee other than unit price information at this stage : and

WHEREAS, North Carolina General Statutes § 143-64.32 Provides that “ Units of local government of the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of the act in the case of:

- (A) proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (B) other particular projects exempted in the sole discretion of the unit of local government , stating the reasons therefore and the circumstances attendant thereto.” ;

WHEREAS, The Wake County Board of Commissioners now desires to exempt projects of less than (\$30,000) from said requirement.

NOW, THEREFORE, Be it resolved by the Commissioners of the County of Wake that all projects in which the estimated professional fees are less than thirty thousand dollars (\$30,000), are hereby exempt from the provisions of Article 3D of Chapter 143 of the North Carolina general Statutes.

Commissioner heater made a motion that the above resolution be adopted. Commissioner Zieverink seconded the motion and upon vote the motion carried this 4th day of January ,1988.

(Project)

**RESOLUTION EXEMPTING ALL PROJECTS FROM THE MODEL CODE
FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES
WHERE ESTIMATED PROFESSIONAL FEES
ARE LESS THAN THIRTY THOUSAND DOLLARS (\$30,000) Or More**

WHEREAS, North Carolina General Statutes §143-64.31 provides in part that architectural and engineering services shall be selected “ on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee other than unit price information at this stage “; and

WHEREAS, North Carolina General Statutes § 143-64.32 provides that “ Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of the act in the case of:

- (a) proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000),or
- (b) other particular projects exempted in the sole discretion of the unit of local government , stating the reasons therefore and the circumstances attendant thereto.”;

NOW, THEREFORE, be it resolved by the Wake County Board of Commissioners that the _____project , where the estimated professional fee is an amount of thirty thousand dollars (\$30,000) or more , is hereby exempt from the hereinabove –cited statute . the reasons therefore and circumstances attendant thereto are that this is in the best interest of the County of Wake and its citizen. Other reasons or attendant circumstances , if any , are as follows:

Commissioner _____ made a motion that the above resolution be adopted . commissioner _____ seconded the motion and upon vote the motion carried this the ____ day of ____ 20 ____.