



Legislation Text

File #: ID 19-0112, **Version:** 1

Resolution Delegating to the City Manager or His Designee the City Council's Authority Under N.C.G.S. 143-64.32 to Exempt Specific Projects from the Mini-Brooks Act, on a Project-By-Project Basis, Where the Estimated Professional Fee is Less Than Fifty Thousand Dollars (\$50,000)

Department: Executive
Council District: All

Public Hearing:
Advertising Date/By:

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PURPOSE: This Resolution delegates to the City Manager or his Designee City Council's authority under the Mini-Brooks Act, Article 3D of Chapter 143 of the North Carolina General Statutes, to exempt specific projects from the Mini-Brooks Act, on a project-by-project basis, where the estimated professional fee is less than \$50,000.

BACKGROUND: The Mini-Brooks Act, Article 3D of Chapter 143 of the North Carolina General Statutes, N.C.G.S. §143-64.31 et. seq., requires local governments to hire all architects, engineers, and surveyors by their qualifications. Price is considered only after the most qualified firm is selected. The Mini-Brooks Act, in Section 143-64.32, allows units of local government to exempt in writing particular projects from the Act where the estimated professional fee is less than (\$50,000). The North Carolina School of Government, in an article written by Norma Houston entitled, "Mini-Brooks Act FAQ's", stated that since "governing board approval is not statutorily required, the board could authorize a staff member such as the manager to grant exemptions (in writing, of course) for certain projects so long as the contracts entered into under the exemption are less than \$50,000." Norma Houston, Mini-Brooks FAQ's, Coates' Cannons: NC Local Government Law (September 28, 2011, updated 2014), <https://canons.sog.unc.edu/mini-brooks-act-faqs/>. Ms. Houston also stated that "[t]o avoid an inadvertent violation of the statute (by any party), the safer course is to assume that blanket exemptions are not authorized and that the exemption must be adopted on a project-by-project basis. *See, id.*

BUDGET IMPACT: None

RECOMMENDATION / ACTION REQUESTED: The City Manager requests City Council delegate to the City Manager or His Designee the authority under N.C.G.S. 143-64.32 to exempt specific projects from the Mini-Brooks Act, on a project-by-project basis, where the estimated professional fee is less than Fifty Thousand Dollars (\$50,000).