

1 Section 1. There is appropriated to the Department of Administration, Office
2 of State Construction, the sum of thirteen million five hundred thousand dollars
3 (\$13,500,000) for the 1993-94 fiscal year for the construction of additional dayroom
4 space at the lowest possible cost at minimum custody facilities of the Department of
5 Correction and at medium custody facilities of the Department of Correction that lost
6 dormitory space due to the need to convert dormitory space to dayroom space, with the
7 exception of those facilities being consolidated pursuant to the GPAC recommendation
8 enacted in Section 177 of Chapter 321 of the 1993 Session Laws.

9 Sec. 2. The State may require contractors awarded bids for construction
10 authorized under this act to use a work force that includes inmates provided to the
11 contractors by the Department of Correction; the requirement may provide that such
12 inmates may compose up to twenty percent (20%) of the contractor's work force. The
13 Office of State Construction and the Department of Correction shall report quarterly to
14 the Joint Legislative Commission on Governmental Operations, the Chairs of the House
15 and Senate Appropriations Committees on Justice and Public Safety, and the Fiscal
16 Research Division on the use of inmates by private contractors.

17 Sec. 3. The Office of State Construction of the Department of Administration
18 may contract for and supervise all aspects of administration, technical assistance,
19 design, construction, or demolition of prison facilities in order to implement the
20 providing of prison facilities under the provisions of this act.

21 The facilities authorized under this act shall be constructed in accordance
22 with the provisions of general law applicable to the construction of State facilities. If
23 the Secretary of Administration, after consultation with the Secretary of Correction,
24 finds that the delivery of prison facilities must be expedited for good cause, the Office
25 of State Construction of the Department of Administration may use alternative delivery
26 systems and shall be exempt from the following statutes and rules implementing those
27 statutes, to the extent necessary to expedite delivery: G.S. 143-135.26, 143-128, 143-
28 129, 143-131, 143-132, 143-134, 113A-1 through 113A-10, 113A-50 through 113A-66,
29 133-1.1(g), and 143-408.1 through 143-408.7.

30 Prior to exercising the exemptions allowable under this section, the Secretary
31 of Administration shall give reasonable notice in writing of the Department's intent to
32 exercise the exemptions to the Speaker of the House, the President Pro Tempore of the
33 Senate, the Chairs of the House and Senate Appropriations Committees, the Chairs of
34 the House and Senate Appropriations Subcommittees on Justice and Public Safety, and
35 the Fiscal Research Division. The written notice shall contain at least the following
36 information: (i) the specific statutory requirement or requirements from which the
37 Department intends to exempt itself; (ii) the reason the exemption is necessary to
38 expedite delivery of prison facilities; (iii) the way in which the Department anticipates
39 the exemption will expedite the delivery of prison facilities; and (iv) a brief summary of
40 the proposed contract for the project which is to be exempted.

41 The Office of State Construction of the Department of Administration shall
42 have a verifiable ten percent (10%) goal for participation by minority and women-
43 owned businesses. All contracts for the design, construction, or demolition of prison
44 facilities shall include a penalty for failure to complete the work by a specified date.

1 The Office of State Construction of the Department of Administration shall
2 consider alternative delivery systems that could expedite the delivery of prison facilities.
3 Such delivery systems as design-build, using modular or conventional building systems,
4 shall be considered. However, in order for such alternatives to be used, the Department
5 of Correction must approve the proposed design for operational programming and cost
6 of operations and maintenance.

7 The Office of State Construction of the Department of Administration shall
8 involve the Department of Correction in all aspects of the projects to the extent that
9 such involvement relates to the Department's program needs and to its responsibility for
10 the care of the prison population.

11 Sec. 4. The Office of State Construction of the Department of Administration
12 shall provide quarterly reports to the Chairs of the Appropriations Committee and the
13 Base Budget Committee in the Senate, the Chairs of the Appropriations Committee in
14 the House, the Joint Legislative Commission on Governmental Operations, and the
15 Fiscal Research Division as to any changes in projects and allocations made under this
16 act. The report shall include any changes in the projects and allocations made pursuant
17 to this act, information on which contractors have been selected, what contracts have
18 been entered into, the projected and actual occupancy dates of facilities contracted for,
19 the number of beds to be constructed on each project, the location of each project, and
20 the projected and actual cost of each project.

21 The Department of Insurance and the Department of Correction shall report
22 quarterly to the Joint Legislative Commission on Governmental Operations on their
23 involvement in the prison construction program.

24 Sec. 5. This act is effective upon ratification.