1H SBCCC 400.5   Open-End Design Agreements

A board of trustees of a community college may enter into open-end design agreements. An open-end design agreement is an annual service agreement for professional design services provided on a routine or as needed basis for miscellaneous projects as described in 01 NCAC 30D .0302(f). These open-end design agreements are subject to the following limitations:

(1) The college shall publicly announce an open-end design agreement pursuant to 23 NCAC 02D .0605 to inform interested designers of the college's need for an open-end agreement for design services.

(2) The college board of trustees shall select the designer for open-end design agreements in accordance with the college's designer selection procedures for informal capital improvement projects.

(3) The total estimated cost of each informal capital improvement project shall not exceed the maximum expenditure established by G.S. 143-64.34 for each informal capital improvement project that can be designed using the services of a designer secured through an open-end design agreement.

(4) The initial term of the open-end design agreement shall be the same as the initial term established for fixed term contracts in 01 NCAC 30D .0302(f).

(5) Design fees for any single project designed under an open-end design agreement shall not exceed the single project monetary limit established for a fixed term contract by 01 NCAC 30D .0302(f).

(6) Regardless of the number of projects during the initial term of an open-end design agreement, the total amount of fees paid under an open-end design agreement during its initial term shall not exceed the maximum fees payable under a fixed term contract during the fixed term contract's initial year as established by 01 NCAC 30D .0302(f).

(7) A board of trustees of a community college may extend the initial term of the original open-end design agreement for a maximum of one additional year.

(8) The maximum amount payable under an open-end design agreement during any additional term after the initial term shall not exceed the maximum amount payable under a fixed term contract during any additional term after the initial term as established by 01 NCAC 30D .0302(f).

(9) If the term of an open-end design agreement is extended for one additional year and regardless of the number of projects, the sum of the fees paid for the initial term of the agreement and for the yearlong extension shall not exceed the limitation established by the State Building Commission for the maximum amount payable under fixed term contracts in 01 NCAC 30D .0302(f).

(10)   A community college shall not have more than one open-end design agreement with the same firm at the same time.

History Note: Authority G.S. 115D-5;

Eff.   November 1, 2015.