

SUBCHAPTER 400. PROPERTY AND CAPITAL IMPROVEMENTS

1H SBCCC 400.1 Definitions

The following definitions apply to this Subchapter:

- (a) "Capital improvement project" - real property acquisition, new construction or rehabilitation of existing facilities, and repairs and renovations as defined in G.S. 143C-1-1.
- (b) "Formal capital improvement project" - a project requiring the estimated expenditure of public money in an amount equal to or more than the monetary threshold as defined in G.S. 143-129(a).
- (c) "Informal capital improvement project" - a project requiring the estimated expenditure of public money in an amount less than the monetary threshold as defined in G.S. 143-129(a).

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

Eff. [November 1, 2015](#).

1H SBCCC 400.2 Surplus and Irreparable Books and Book-Like Media

Books and book-like media originally purchased from State or federal funds, when they are no longer useful to an institution shall be disposed of by the institution. Book-like media include audio visual materials, CD's, electronic resources, and other learning resources of durable nature. These materials may be destroyed locally through standard recycling methods or disposed of by the institution through a local sale; disposed of through a profit-sharing arrangement with a company that resells and recycles books and book-like media; through donations to non-profit, tax-exempt organizations (including college foundations) or tax-supported agencies or institutions; or through public bid sale by the State Surplus Property Agency. Colleges shall maintain records and receipts of each sale for auditing purposes. Colleges shall use any receipts generated from the sale of surplus books and book-like media to purchase additional books and book-like media.

History Note: Authority G.S. 115D-5; 115D-31;

Eff. [November 1, 2015](#).

1H SBCCC 400.3 Donated or Loaned Property

- (a) A board of trustees may accept property donated to the college for any lawful educational purpose that is consistent with the mission and purpose of the community college system.
- (b) A board of trustees shall obtain State Board approval prior to accepting a donation of real property.
- (c) Any funds derived from the sale or lease of property donated to a college for a specific educational purpose shall be used to accomplish that purpose.
- (d) A board of trustees may permit a private business enterprise that loans or donates instructional equipment to the college to use the college's facilities to demonstrate the donated or loaned equipment to customers or potential customers of the private business enterprise provided that:
 - (1) The board of trustees shall develop procedures to regulate the use of its facilities for this purpose; and
 - (2) The lender's or donor's use of the college facilities shall not interfere with the education of students.

History Note: Authority G.S. 115D-5; 115D-15; 115D-20;

Eff. [November 1, 2015](#).

1H SBCCC 400.4 Capital Project Approval and Obtaining Capital Funds

- (a) Project Approval. The State Board shall approve all formal capital improvement projects, regardless of the source of funds, and all informal college capital improvement projects that are supported in part or in total with State funds. As part of the request submitted to the State Board, the college shall certify that its board of trustees has voted to approve the project. The State Board delegates to the President of the North Carolina Community College System the authority to approve, subject to State Board ratification, a capital improvement project if the college has an urgent need and provides evidence that the college will be negatively impacted if approval is delayed until the next regularly scheduled meeting of the State Board. The System

President shall present the project to the State Board for ratification at its next regularly scheduled meeting.

(b) Amendments to approved projects. The State Board shall approve amendments to capital projects approved under subsection (a) of this rule, except the State Board delegates to the President of the North Carolina Community College System or the President's designee the authority to approve an amendment that meets one or more of the following conditions:

- (1) Decreases project funding,
- (2) Increases project funding solely with non-State funds, or
- (3) Transfers previously approved State funds (excluding bond funds) to another previously approved project.

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

Eff. [November 1, 2015](#).

Amended Eff. [August 1, 2019](#)

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](#).

1H SBCCC 400.6 Construction Prequalification Policy

Community colleges shall use the State Construction Office (SCO) prequalification policy, assessment ratings matrix, and prequalification forms when prequalifying bidders for

construction projects as allowed under G.S. 143-135.8. The policy and forms are available from the SCO. This requirement is for colleges choosing to prequalify bidders. Colleges are not required to prequalify bidders.

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

Eff. [November 1, 2015](#).

1H SBCCC 400.93 Surplus and Irreparable Books and Book Like Media

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

History Note: Authority G.S. 115D-5; 115D-31;

Eff. February 1, 1976;

Readopted Eff. January 5, 1978;

Amended Eff. November 1, 1983;

Repealed Eff. [November 1, 2015](#).

1H SBCCC 400.94 Equipment Purchases

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

History Note: Authority G.S. 115D-5; 115D-31; 115D-54;

Eff. February 1, 1976;

*Amended Eff. September 1, 1993; December 1, 1984; July 15, 1978;
September 30, 1977;*

Repealed Eff. [November 1, 2015](#).

1H SBCCC 400.95 Surplus Property

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

History Note: Authority G.S. 115D-5; 115D-14; 115D-54;

Eff. February 1, 1976;

Readopted Eff. January 5, 1978;

Amended Eff. September 1, 1993; December 1, 1984;

Repealed Eff. [November 1, 2015](#).

1H SBCCC 400.96 Donated or Loaned Property

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

History Note: Authority G.S. 115D-5; 115D-15; 115D-20;

Temporary Adoption Eff. October 21, 1998;

Temporary Adoption Expired August 13, 1999;

Eff. August 1, 2000;

Amended Eff. August 1, 2010; May 1, 2006;

Repealed Eff. [November 1, 2015](#).

1H SBCCC 400.97 Acquisition of Equipment

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

History Note: Authority G.S. 115D-58.5(b); 115D-58.15;

Temporary Adoption Eff. October 21, 1998;

Temporary Adoption Expired August 13, 1999;

Eff. August 1, 2000;

Repealed Eff. [November 1, 2015](#).

1H SBCCC 400.98 Capital Project Approval and Obtaining Capital Funds

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

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

Eff. February 1, 1976;

Amended Eff. September 1, 1993; August 17, 1981;

Repealed Eff. [November 1, 2015](#).

1H SBCCC 400.99 Open-End Design Agreements

REPEALED by the State Board of Community Colleges, eff. 1 November 2015.

History Note: Authority G.S. 115D-5; 143-64-34;

Eff. May 1, 2006;

Repealed Eff. [November 1, 2015.](#)