

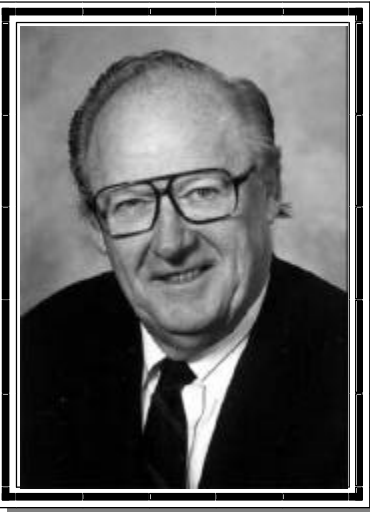


The North Carolina Bulletin

The Newsletter of the North Carolina
Board of Examiners for Engineers and Surveyors

April 2001

SPRING ISSUE



View From the Chair

By
George E. Freeman, PE, PLS
Board Chair

While the Board is, day in and day out, concerned and actively involved with applications for licensure and matters such as examinations, experience evaluation, and violations, we spend a great deal of time on new initiatives which can enhance our systems and efforts to improve the health, safety, and welfare of the public. Among these initiatives today are (1) clarification and improvement of the Continuing Professional Competency program; (2) the licensees' adherence to the "MiniBrooks" Act; (3) electronic transmission of design drawings; (4) mobility of licensure; (5) examinations for the licensure of Photogrammetrists as Land Surveyors; (6) the applicability of Chapter 89C over GIS products and deliverables; and (7) establishing improved and uniform guidelines for evaluation of engineering and surveying experience. Some of these initiatives originate as State issues and others are interests generated nationally as may affect the "Model Law" and consequently our own law.

I wish to emphasize the importance of the Board's work on the first two initiatives.

CONTINUING PROFESSIONAL COMPETENCY

The Board has a continuing concern for assuring that the requirements of the law are met, to "maintain, improve and expand the licensee's skills and knowledge relevant to the licensee's field of practice." True professionals are consistently concerned about maintaining, improving, and expanding their skills and knowledge and they pursue those activities which enable them to accomplish this. As time goes on, it is not uncommon for a licensee's career to assume more and more management responsibility while getting further and further away from basic "core" courses which were the basis of their education in their fields of practice. While the responsibility for meeting the requirements of the law remain those of the licensee, the sponsors of those courses are obliged to plan subjects and content which assist the licensees to accomplish their responsibilities, at a cost they can afford. These sponsors may include the availability of technical "core" courses, as well as courses in management, marketing, and communications. The licensee should plan to attend a broad distribution of these course types as he or she may determine is necessary to maintain, improve, and expand their skills and knowledge relevant to their fields of practice. Frequent repetition of courses should be avoided.

The sponsors need to improve monitoring of attendance and record keeping which accounts for attendance and completion by licensees. Improved communication with the Board regarding suitability and quality of subject matter for future courses is required, as established in the rules.

Some of the most effective courses are being sponsored by firms for their employees, which target "core" courses as well as management, communications, and marketing for their specific operation and needs.

The Board is continuing to follow these issues through its CPC committee by having Board members attending and monitoring more courses, determining suitability of content, sponsor monitoring procedures and any other problem areas. We estimate the

(Continued on page 2)

THE NORTH CAROLINA BULLETIN

Published to provide news and information regarding statutory and regulatory changes, and to promote a better understanding of the practices of engineering and land surveying in the State of North Carolina.

Board Office

310 W Millbrook Road
Raleigh, North Carolina 27609

Telephone

(919) 841-4000

Facsimile

(919) 841-4012

Web Site

www.ncbels.org

Michael F. Easley
Governor

BOARD MEMBERS

George E. Freeman, PE, PLS
Chair

William C. Owen, PLS
Vice-Chair

Doris M. Rodgers, Public Member
Secretary

Johnie C. Garrason, PLS

Henry V. Liles, Jr., PE

Dr. Joseph Monroe, Public Member

David L. Peeler, PE

M. Frank Tyndall, PE

C. Phil Wagoner, PLS

Jerry T. Carter
Executive Director
Editor in Chief

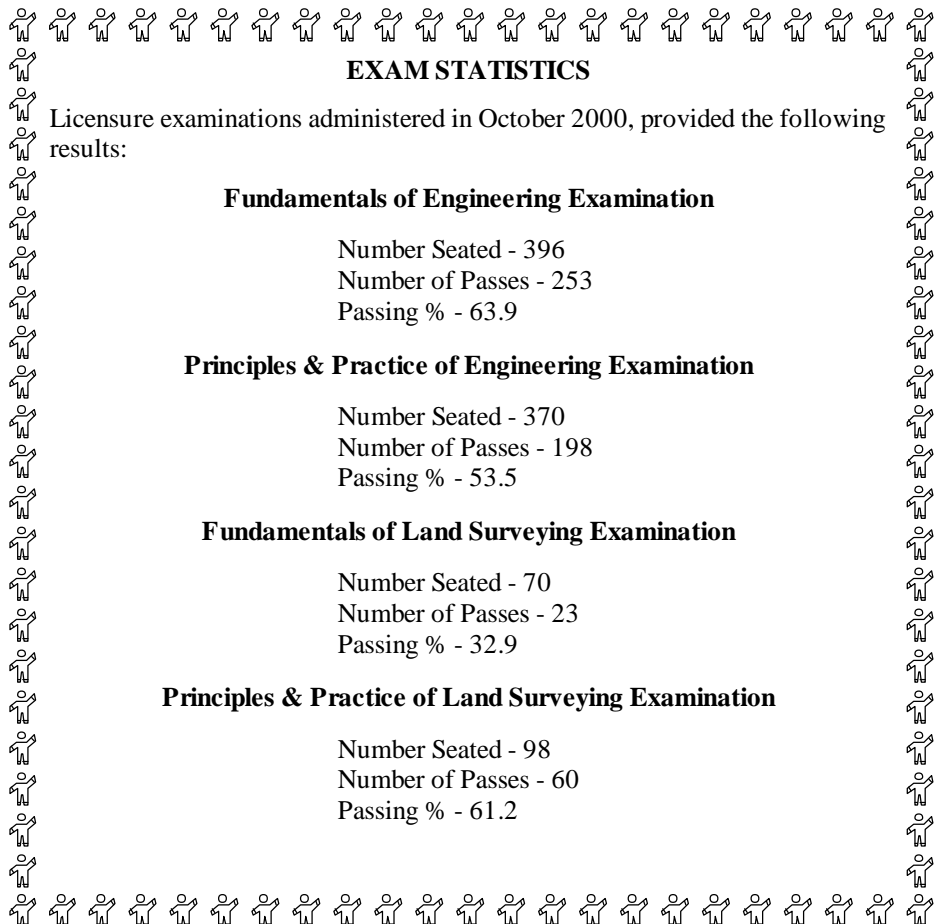
(Continued from page 1)

total cost of the CPC requirement, which is paid by the 20,000 licensees or “their bosses” approaches 15 million dollars. We need to make sure this money is spent wisely and beneficially.

ADHERENCE TO THE MINIBROOKS ACT

Fourteen years ago, the legislature passed a law requiring most agencies of State government and local government to select contract Engineers and Surveyors by qualifications, **not** price. This process is called “Qualification Based Selection” as prescribed by the law. As it is with all laws of the State, the licensee is expected and obliged to adhere to and obey all provisions of the law. Elsewhere in this Spring edition of the “Bulletin,” detailed questions and answers concerning the “Mini-Brooks” law have been prepared by the Board to enlighten licensees as to the Board’s general position toward the requirements of meeting the provisions of the law. **CAUTION!** Licensees who violate the provisions of the law, by participating in a competition for public projects which do not follow the provisions of the law, may be subject to having complaints filed against them and subsequent sanctions by the Board. There are some exemptions permitted for DOT and local units of government which must be disclosed by them, in writing, and prior to the solicitation. Remember, the Board has no jurisdiction over DOT or local government, only the licensee.

The only way to see that this law is adhered to is for all licensees to cease “BIDDING” on Public Works projects and to report all events and participants to the Board who do not comply. Only in this manner can we put a stop to selection based on price rather than qualifications.



EXAM STATISTICS

Licensure examinations administered in October 2000, provided the following results:

Fundamentals of Engineering Examination	
	Number Seated - 396
	Number of Passes - 253
	Passing % - 63.9
Principles & Practice of Engineering Examination	
	Number Seated - 370
	Number of Passes - 198
	Passing % - 53.5
Fundamentals of Land Surveying Examination	
	Number Seated - 70
	Number of Passes - 23
	Passing % - 32.9
Principles & Practice of Land Surveying Examination	
	Number Seated - 98
	Number of Passes - 60
	Passing % - 61.2

ATTORNEY GENERAL ISSUES OPINION CONCERNING DESIGNS BY LANDSCAPE ARCHITECTS

In a response to a request for interpretation of applicable General Statutes, the North Carolina Attorney General's Office has issued an advisory opinion concerning the legal qualifications of landscape architects to design street and storm water drainage systems. In a letter from Special Deputy Attorney General Robert O. Crawford, III, dated March 22, 2001, the Board was advised that it was the conclusion of the Attorney General's Office that "...it is our opinion that the detailed drawings and accompanying calculations of street design and storm drainage systems, including subsurface systems and component structures, is within the definition of the practice of engineering and not within the definition of landscape architecture."

This interpretation came about as the result of a complaint filed with the North Carolina Board of Examiners by a municipality concerning plans prepared and sealed by a Registered Landscape Architect, which plans included designs for storm drainage and roadway design. The Board of Examiners was asked to determine if a landscape architect was qualified to provide these design services. During the course of the Board's investigation, the respondent's attorney maintained that "the work which is the subject of your investigation is among those activities which may be lawfully undertaken by a landscape architect registered in the State of North Carolina." The respondent's attorney further claimed that the respondent's "qualifications and abilities to perform services are governed by the North Carolina Board of Landscape Architects, not the North Carolina Board of Examiners for Engineers and Surveyors."

The North Carolina Board of Landscape Architects was provided a copy of the letter of charges by the respondent and conducted a review of the design at its June 29, 2000 meeting. In a letter to the Board of Examiners dated July 14, 2000, NCBLA Chairman Brian Starkey reported that "While the North Carolina Board of Landscape Architects recognizes that the work completed by (*name withheld*) could be described as Civil Engineering under GS 89-C, the board is confident that the work in question qualifies as work which can be accomplished by a Landscape Architect under GS 89-A. This is clearly one area where our respective professions overlap."

In the AG's opinion, Mr. Crawford cited that it appeared there had been a major disagreement between the Board of Engineers and Surveyors and the Board of Landscape Architects on this issue and that the Board of Engineers and Surveyors does not recognize an overlap with the practice of landscape architecture concerning street and storm water system design. While recognizing that only the legislature can define the practice of landscape architecture and the practice of engineering, Mr. Crawford provided that:

"...it is our opinion that detailed design plans and accompanying calculations for street design and storm drainage systems, including subsurface structures, appear to require engineering knowledge and to extend beyond the statutory definition of landscape architecture. The practice of landscape architecture includes the 'arranging of land and the elements used thereon for public and private use and enjoyment, embracing drainage, soil conservation, grading and planting plans and erosion control...' The definition references surface design. It does not refer to subsurface drainage, or drainage structures such as piping. In comparison, the definition of engineering refers to the application of special knowledge of the mathematical, physical, or engineering sciences to the design of, among others, hydraulic systems. There is a difference in our minds between using landscape architect principles to arrange the surface land to best accommodate a road (taking into account such factors as erosion control, storm drainage and sedimentation control) and using the mathematical and engineering science to design how the road is to be constructed. Further, it would appear that the design of storm drainage systems, including subsurface structures, constitutes more than arranging elements on the land. The fact that the engineering statute specifically omits the design or preparation of specifications for streets or storm sewer systems (except as incidental to a subdivision), from the definition of land surveying, also suggests that this activity is the practice of engineering."

The Board intends to enforce the provisions of the North Carolina Engineering and Surveying Act (G.S. 89C) and will work with the Office of the Attorney General and the North Carolina Board of Landscape Architects to insure that only qualified Professional Engineers are allowed to provide these specific services.

BOARD RESPONDS TO QUESTIONS ON MINIBROOKS ACT

During a seminar sponsored by the Consulting Engineers Council of North Carolina (CECNC) in January 2001, a number of questions were posed concerning the proper application of the requirements of G.S. 143-64.31 through 143-64.36, also referred to as the MiniBrooks Act. These questions were subsequently considered by the North Carolina Board and the Board's responses are included in the following article. Both the questions and the answers apply equally to the Engineering and Surveying professions.

Since August 1, 2000, when the Board regulations were amended to require licensees to comply with the requirements of the MiniBrooks Act, many questions have been raised concerning how the Board would interpret and apply the provisions of this statutory requirement. The following questions and answers address most of those concerns. As noted below, the Board has requested an opinion from the North Carolina Attorney General concerning the application of this act when licensees serve as subcontractors or when the project is part of a design/build proposal. The Attorney General's responses to these matters will be published as soon as they are received by the Board. Anyone with questions that are not fully addressed in this article is encouraged to contact the Board office. A copy of the MiniBrooks Act can be found on page 9 of this publication. This version does not include history notes or special annotations which can be obtained by contacting the Board office.

Question: Is a two envelope system, where qualifications are placed in one envelope and price is placed in the second envelope with an assurance from the public body that the price will not be opened until the selection has been made based upon qualifications, acceptable under the provisions of the MiniBrooks Act?

Answer: No. A project price may not be provided until a firm has been selected based upon a qualification based process. Once selected, the firm can then negotiate a project price with the public body.

Question: Are all licensees obligated to report known violations of Board Rules?

Answer: Yes. All licensees are obligated to report known violations of Board Rules under the requirements of the Rules of Professional Conduct. This would include reporting Professional Engineers or firms that submit prices in response to requests for proposals for publicly funded projects that have not been exempted under the provisions of the MiniBrooks Act.

Question: What about the delivery of unit prices for the

project?

Answer: The delivery of unit prices as a response to a request for proposal identifies relative information with respect to general fees and is not specific to tasks related to the project. The submission of any information, which can be easily correlated to a fixed price or a bid, is prohibited unless the project has been exempted.

Question: If the proposed fee is less than \$30,000.00, is an exemption still required?

Answer: Yes. All exemptions must be in writing and are required on a project by project basis.

Question: What is an appropriate way to respond to a request for a price?

Answer: Currently, the Consulting Engineers Council of North Carolina has developed a standard letter that is sent to the party who is requesting the price. This letter includes detailed information regarding the MiniBrooks Act and the obligation of the licensee not to submit a price.

Question: Will the Board of Examiners respond to a specific request for clarification of the rule?

Answer: Yes. The Board of Examiners will respond to any request for clarification of responsibility concerning the proper application of the MiniBrooks Act but the Board's jurisdiction is limited to licensees. The Board has no authority to enforce the provisions of the MiniBrooks Act for NCDOT or local units of government.

Question: If a resolution of exemption is obtained from the requesting entity, may the licensee submit a price?

Answer: Yes. The ability to exempt projects is provided to NCDOT and local units of government.

Question: Are there exemptions for special conditions?

Answer: Yes. The Act provides for exceptions in "cases of special emergency involving the health and safety of the people or their property."

Question: What does the effective date of the resolution need to be and must the resolution or exemption be project specific?

Answer: The resolution to exempt a project must be in force before a licensee may provide a project price. Each exemption must be project specific.

Question: How far does the responsibility of the engineer

(Continued on page 5)

(Continued from page 4)

go as it relates to prime/sub-consultants (architectural type of contracting arrangement)?

Answer: The Board of Examiners has ruled that the provisions of the MiniBrooks Act apply even in situations of prime/subconsultants. If the project involves public funds from a project that has not been exempted, the sub-consultants must be selected through a qualification based process. The North Carolina Attorney General has been asked to render an opinion on this issue.

Question: What about design/build and alternative delivery systems? How should the licensee handle this issue?

Answer: Same as above.

Question: What is the licensee's responsibility to assure that the resolution of exemption is valid?

Answer: The licensee must exercise prudent judgement to determine that an exemption has been properly executed in writing for the specified project.

Question: What about multiple phase contracts?

Answer: Unless specifically exempted, multiple phase contracts are subject to the requirements of the MiniBrooks Act.

Question: There seems to be some gray area in environmental work, such as wetlands delineation. Now with this new rule, engineers cannot bid, but environmental professionals can. Is there some way that we can address this situation?

Answer: The MiniBrooks Act only pertains to professional services listed as "...architectural, engineering or surveying services..." Professional Engineers and firms may offer prices for projects that they are legally capable of providing, i.e. geology, soil science, landscape architecture, etc.

Question: Is it permissible to submit project prices for projects that have been exempted?

Answer: Yes. If the exemption is by a local unit of government or NCDOT and is in writing, it is permissible for licensees to submit total project prices.

Question: Is it a violation of the Rules of Professional Conduct for a licensee, placed in a responsible role for a public body, to request other professionals to provide a total project price on behalf of the owner?

Answer: Yes. All licensees of the Board are required to

comply with the provisions of the MiniBrooks Act.

Question: Has there been any consideration of Maryland rescinding the price prohibition?

Answer: No. This is outside the Board's jurisdiction.

Question: Currently, the State of North Carolina is required to request bids for construction and the contractor then typically hires subconsultants through a bid process. Is it a violation for a licensee to provide a total project price under such circumstances?

Answer: Yes. The MiniBrooks Act applies to all publicly funded projects and professional services must be selected based upon a qualification based process unless exempted under the provisions of the act. The North Carolina Attorney General has been requested to render an opinion on this issue.

Question: Paragraph F of Section 21-56.0701 is only applied/enforced relative to GS143-64.31. Does this apply to public funds only?

Answer: The MiniBrooks Act only pertains to public funds. The Board Rules do not prohibit licensees from offering total project prices for privately funded projects.

Question: What about primarily planning studies with engineering elements? Is this considered a violation?

Answer: This would be dictated by the nature of the services to be rendered for the specific project. If the services are professional in nature, the MiniBrooks Act would apply.

Question: What about State agencies? Are they covered by GS143-64.31?

Answer: No exemptions are allowed for State agencies other than NCDOT.

Question: What about State Universities?

Answer: There currently exists an exemption for capital improvement projects for the University of North Carolina, which exemption will expire July 1, 2001.

Question: Do other non-DOT agencies have the ability to exempt themselves on state directed projects?

Answer: There are no exceptions allowed for State agencies except for State Capital Improvement Projects where the total cost is less than \$100,000.00.

Question: What about exemptions for municipalities?

(Continued on page 6)

(Continued from page 5)

Answer: Local units of government or NCDOT may in writing exempt particular projects in the case of:

- (1) Proposed projects where an estimated professional fee is in an amount less than thirty thousand dollars (\$30,000), or
- (2) Other particular projects exempted in the sole discretion of the Department of Transportation or the unit of local government, stating the reasons therefor and the circumstances attendant thereto.

Question: Is a non-licensee violation a criminal violation?

Answer: No. A violation of the MiniBrooks Act would be considered a civil violation.

Question: Does the rule apply to GIS?

Answer: Yes

Question: What is considered a fee bid?

Answer: The submission of any information that would allow the public entity to determine a total project fee would be considered a "fee bid."

Question: Would an RFP that requests man-hours without unit prices be considered a bid?

Answer: The Act only allows for "unit price information" and qualifications. Man-hours would not be considered a "unit price."

Question: During a short list or interview type of arrangement, if the interviewing party requests a price, is the licensee free to give a price at that time?

Answer: No. Price should not be given until the consultant is selected as the most qualified to provide the services requested and negotiations may then begin to establish the fee.

Question: What about licensed city/state engineers, architects and surveyors? Are they in violation if they send out RFP's requesting a price?

Answer: Yes. All licensees must comply with the requirements of the MiniBrooks Act.

Question: Who must issue the written exemption?

Answer: The exemption can only be issued by the entity that is authorized to award the contract.

Question: What if a subconsultant asks for a price and it

is thought that there is a sole source selection being performed?

Answer: The licensee should make every effort to verify that the proposed project is a sole source selection, which should include confirmation in writing from the requesting entity.

Question: What if a client (public) asks for prices of recent projects? Is this a violation?

Answer: Currently, government form 255 requires prices for similar types of previous work effort as a basis for qualifications. It is not a violation of the MiniBrooks Act to provide this form as a part of the QBS process for publicly funded projects.

HAVE YOU TRIED ELECTRONIC LICENSE RENEWAL?

- Over twenty-five percent of the licensed population for the North Carolina Board of Examiners renewed their licenses for 2001 utilizing the Board's on-line option. By visiting the Board's WEB site, licensees are able to enter their license numbers and four digit PIN and access their electronic records. Licensees can then update their records, report PDHs, order a yearbook and provide a credit card number to complete the renewal. This is a secure site and the information is encrypted to insure that the information received is protected. Prior to completing the process, the licensee is provided confirmation of the transaction which can be printed and saved as verification of the renewal.
- Licensees are encouraged to use this option to report changes in address during the course of the year to insure the accuracy of the Board's records. When visiting the site, licensees are also encouraged to provide their email address. This address will be used by the Board to disseminate future copies of the Board's News Bulletin and to issue alerts concerning significant interpretations by the Board.



GARRASON APPOINTED TO BOARD

Governor Easley has appointed Johnie C. Garrason, PLS, to the North Carolina Board of Examiners effective March 23, 2001. Mr. Garrason replaces Kenneth D. Suttles, PLS, who was appointed in 1996 and whose term expired December 31, 2000.

Mr. Garrason graduated from Wilmington College (now the University of North Carolina at Wilmington) in 1960 with a AA Degree in Engineering Technology. In 1963, Garrason was graduated from the International Correspondence School in the subject of Highway Engineering.

After graduating from Wilmington College, Garrason began work with the North Carolina Department of Transportation. From 1960 until 1973, Garrason worked for NCDOT providing surveying services, with an emphasis on deed research and property ties. In 1973, Garrason resigned from NCDOT to go into private practice as a sole practitioner. Since that time, Garrason has operated his business in Wilmington, NC, offering a full range of surveying services and providing traditional and GPS capability.

Garrason has been significantly involved in the activities of the North Carolina Society of Surveyors, having served as President in 1994. Garrason has also been honored by NCSS with the President's Award in 1989, 1991, 1992 and 2000, as well as being recognized as the Surveyor of the Year in 1992. In 1993, Garrason was recognized as the Surveyor of the Year by the National Society of Professional Surveyors (NSPS).

Mr. Garrason's term will expire on December 31, 2005.

Disciplinary Actions

The following summaries represent disciplinary actions taken by the Board from January 1, 2001 to April 1, 2001. Penalties vary, depending upon the specific circumstances of each case. Space limitations preclude a full reporting of all circumstances. Questions or requests for additional information concerning specific cases should be

CASE NO. V99-087

Ricky W. Dalton, PLS
Galax, VA

VIOLATION: Failed to monument corners [.1602(d)], issued an inaccurate survey creating an encroachment on the adjoining property [.1602(a)(f)], failed to make adequate investigation [.1602(a)], and failed to report results of a survey in clear and factual manner by not identifying lines and points not surveyed [.1602(f)].

BOARD ACTION: Reprimand and attend the NC Society of Surveyors Institute in Spring 2001, section determined by the Board relating to research and boundary retracement.

CASE NO. V99-090

John G. Thomas, PE
New Bern, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)]; and practiced outside his area of competence [.0701(c)(3)].

BOARD ACTION: Reprimand, civil penalty of \$2000 and restriction of practice.

CASE NO. V00-004

Robert K. Russell, PLS
Greensboro, NC

VIOLATION: Failed to accurately locate all rights of way and apparent rights-of-way or improvements on boundary [.1604(e)(8)]; and failed to provide adequate tie [.1602(g)], [.1604(e)(9)].

BOARD ACTION: Reprimand.

CASE NO. V00-018

Edward M. Haynes, PLS (Archived)
Asheville, NC

VIOLATION: Practiced or offered to practice land surveying without being licensed as required by G.S.89C-23.

BOARD ACTION: Reprimand, civil penalty of \$1000, submit new application, pay all previous renewal and penalty fees, show satisfaction and proof of PDH

(Continued on page 8)

(Continued from page 7)

requirements, cease and desist land surveying until properly licensed or will be prosecuted under G.S. 89C.

CASE NO. V00-021

Vernon O. Harris, Jr., PE
Raleigh, NC

VIOLATION: Failure to comply with state regulations applying to a project to protect the public [.0701(b)]

BOARD ACTION: Reprimand and civil penalty of \$500.

CASE NO. V00-025

Robert W. Lancaster, Jr., PE
Raleigh, NC

VIOLATION: Failed to avoid conflicts of interest [.0701(e) (5)].

BOARD ACTION: Pass ethics course (PDH-40) offered by the Murdough Center at Texas Tech University and furnish proof no later than 08/31/01.

CASE NO. V00-047

Gary L. Sunderland, PE
Durham, NC

VIOLATION: Affixed his seal to work not done under his direct supervisory control or responsible charge [.0701(c) (3)].

BOARD ACTION: Reprimand, civil penalty of \$2000, pass ethics course (PDH-40) offered by the Murdough Center at Texas Tech University by 05/31/01. Failure to do so will result in suspension of PE license until such time as he passes course.

CASE NO. V00-052

Robert J. Bracken, PE
Sanford, NC

VIOLATION: Affixed his seal to inadequate design documents, failing to protect the public [.0701(b)].

BOARD ACTION: Reprimand and corrective action.

CASE NO. V00-055

Curk T. Lane, PLS
Clayton, NC

VIOLATION: Certified to an actual survey of lines not surveyed [.1602(a)]; failed to report the results of a survey in a clear and factual manner [.1602(f)]; failed to comply with the Standards of Practice for Land Surveying in NC [.1600] to include failure to describe monuments as set or found [.1602(f)]; failure to properly reference north arrow [.1604(e)(1)]; failure to provide adequate tie [.1602(g), .1604(e)(9)]; failure to show computed area [.1602(h)]; and failure to show easement where it forms a boundary line [.1604(e)(8)].

BOARD ACTION: Reprimand and attend the NC Society of Surveyors Institute in Spring 2001, section to be determined by the Board.

CASE NO. V00-059

Alan R. Rowland, PLS
Henderson, NC

VIOLATION: Failed to report the results of a survey in a clear and factual manner with respect to eastern line [.1602(f)]; and failed to monument corners [.1602(d)].

BOARD ACTION: Reprimand and civil penalty of \$500.

CASE NO. V00-067

Ronald H. Ward, Sr., unlicensed
Wilmington, NC

VIOLATION: Practicing or offering to practice engineering without a license as required by G.S. 89C.

BOARD ACTION: Consent Order to cease and desist.

CASE NO. V00-077

Larry K. Allen, PLS
Sanford, NC

VIOLATION: Practicing or offering to practice engineering without a license as required by G.S. 89C.

BOARD ACTION: Reprimand.

CASE NO. V00-078

Clayford T. Grimm, PE, Inc., unlicensed
Austin, TX

VIOLATION: Corporation practicing or offering to practice engineering in violation of G.S. 89C-24 and 55B.

BOARD ACTION: Consent Order to cease and desist.

CASE NO. V00-079

Clarence A. Hubler, PE
Rockville, MD

VIOLATION: Failure to comply with annual CPC requirements [.1712].

BOARD ACTION: Refusal to renew until such time CPC requirements have been complied with.

CASE NO. V00-082

Charles E. Hinnant, PLS
Durham, NC

VIOLATION: Certified a plat which does not comply with the requirements of GS 47-30; failed to make adequate investigation [.1602(a)]; and failed to provide adequate tie [.1602(g), .1604(e)(9)].

BOARD ACTION: Reprimand & civil penalty of \$500.

*(MINIBROOKS ACT)***ARTICLE 3D. Procurement of Architectural, Engineering, and Surveying Services.****§ 143-64.31. Declaration of public policy.**

It is the public policy of this State and all public subdivisions and Local Governmental Units thereof, except in cases of special emergency involving the health and safety of the people or their property, to announce all requirements for architectural, engineering, and surveying services, to select firms qualified to provide such services 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 thereafter to negotiate a contract for architectural, engineering, or surveying services at a fair and reasonable fee with the best qualified firm. If a contract cannot be negotiated with the best qualified firm, negotiations with that firm shall be terminated and initiated with the next best qualified firm.

§ 143-64.32. Written exemption of particular contracts.

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article 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 Department of Transportation or the unit of local government, stating the reasons therefor and the circumstances attendant thereto.

§ 143-64.33. Advice in selecting consultants or negotiating consultant contracts.

On architectural, engineering, or surveying contracts, the Department of Transportation or the Department of Administration may provide, upon request by a county, city, town or other subdivision of the State, advice in the process of selecting consultants or in negotiating consultant contracts with architects, engineers, or surveyors or any or all.

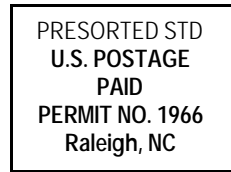
§ 143-64.34. (Effective until July 1, 2001) Exemption of certain projects.

- (a) State Capital Improvement Projects under the jurisdiction of the State Building Commission where the estimated expenditure of public money is less than one hundred thousand dollars (\$100,000) are exempt from the provisions of this Article.
- (b) A capital improvement project of The University of North Carolina under G.S. 116-31.11 where the estimated expenditure of public money is less than three hundred thousand dollars (\$300,000) is exempt from this Article if:
 - (1) The architectural, engineering, or surveying services to be rendered are under an open-end design agreement;
 - (2) The open-end design agreement has been publicly announced; and
 - (3) The open-end design agreement complies with procedures adopted by the University and approved by the State Building Commission under G.S. 116-31.11(a)(3).

§ 143-64.34. (Effective July 1, 2001) Exemption of certain projects.

- (a) State Capital Improvement Projects under the jurisdiction of the State Building Commission where the estimated expenditure of public money is less than one hundred thousand dollars (\$100,000) are exempt from the provisions of this Article.
- (b) Repealed by Session Laws 1997-412, s. 5.1, effective July 1, 2001.

§ 143-64.35 through 143-64.49: Reserved for future codification purposes.



In this Issue...
View From the Chair Page 1
Exam Statistics Page 2
Attorney General Issues Opinion on Designs by Landscape Architects Page 3
Question on Application of MiniBrooks Act Pages 4, 5, & 6
Electronic License Renewal Page 6
Garrason Appointed to Board Page 7
Disciplinary Actions Pages 7 & 8
MiniBrooks Act Page 9

BOARD DIRECTORY	
Main Number: 919-841-4000	
<u>Name</u>	<u>Extension</u>
Jerry Carter, Executive Director	101
Linda Peace, Supervisor of Firm Licensure and CPC	102
Jeanne Adkins, Renewals Specialist and Administrative Assistant	103
Scott Respass, Applications Specialist/Student Engineering & Surveying Applications	104
Earlean Pearce, Processing Assistant	105
Lou Ann Buck, Admin Services Supervisor	106
Sylvia Harrell, Applications Specialist/PE Applications	107
David Tuttle, Board Counsel	111
Audrey Thomas, Investigations Coordinator	112
David Evans, Investigations Supervisor	113
Timothy Saunooke, Board Investigator	114
Cathy Kirk, Board Investigator	115
Mark Mazanek, Board Investigator	116