



**RESOLUTION DELEGATING AUTHORITY TO THE CITY MANAGER TO EXEMPT CERTAIN PROJECTS FROM THE PROCUREMENT PROCESS ESTABLISHED BY THE MINI-BROOKS ACT**

**RESOLUTION 26 – 07**

**WHEREAS**, pursuant to Section 143-64.31 of the North Carolina General Statutes (this statutory provision is sometimes referred to as the "Mini-Brooks Act"), the procurement of certain professional services such as the services performed by architects, engineers, surveyors, and construction managers at risk must be undertaken, unless an exemption is granted, by means of utilizing the Qualifications-Based Selection (QBS) process; and

**WHEREAS**, Section 143-64.31 of the North Carolina General Statutes provides, in pertinent part, as follows:

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, surveying, construction management at risk services, design-build services, and public-private partnership construction 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 those services at a fair and reasonable fee with the best qualified firm; and

**WHEREAS**, Section 143-64.32 of the North Carolina General Statutes provides as follows:

Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article (Article 3D of Chapter of 143 of the North Carolina General Statutes, which includes the section quoted in the immediately preceding paragraph) in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000); and

**WHEREAS**, the Trinity City Council has concluded that the limitation imposed by restricting the exemption authority to projects with an estimated professional fee of less than \$50,000 is adequate to allow the City Council, without fear of violating good governance concerns, to delegate the authority to the city manager to exempt certain projects from the

QBS process established by the Mini-Brooks Act in order to enhance the efficiency of the city's operations when dealing with time sensitive projects;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Trinity, North Carolina that the City Manager is hereby delegated the authority to exempt, in writing, particular projects from the QBS process established by the Mini-Brooks Act when the estimated professional fee for the project to be granted an exemption is in an amount less than \$50,000.

ADOPTED this 11<sup>th</sup> day of May 2026.

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Richard McNabb, Mayor

SEAL

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Darien Comer, City Clerk