PUBLIC BUILDINGS

CHAPTER 343

SENATE BILL NO. 2026

(Legislative Management)
(Advisory Commission on Intergovernmental Relations)

AN ACT to create and enact section 48-01.2-02.1 of the North Dakota Century Code, relating to the bidding threshold for public improvement construction; and to amend and reenact subsection 4 of section 48-01.2-01 and sections 48-01.2-02, 48-01.2-04, and 48-01.2-06 of the North Dakota Century Code, relating to the bidding threshold for public improvement construction.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 48-01.2-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Construction" means the process of building, altering, repairing, improving, or demolishing any public structure or building or other improvement to any public property. The term does not include the routine operation or maintenance of existing facilities, structures, buildings, or real property or demolition projects costing less than ~~one hundred thousand dollars~~the threshold established under section 48-01.2-02.1.

SECTION 2. AMENDMENT. Section 48-01.2-02 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-02. Plans and specifications for a public improvement contract.

Except as otherwise provided in this chapter, if ~~a contract~~the estimated cost for the construction of a public improvement is ~~estimated to cost~~ in excess of ~~one hundred thousand dollars~~the threshold established under section 48-01.2-02.1, the governing body shall procure plans, drawings, and specifications for the improvement from an architect or engineer. For a public building in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications, with the approval of the state board of higher education, may be prepared by an engineer in the regular employment of the agricultural experiment station. For a public building in use by or to be used by the department of transportation for the storage and housing of road materials or road machinery, equipment, and tools, the plans, drawings, and specifications may be prepared by an engineer employed by the department of transportation.

SECTION 3. Section 48-01.2-02.1 of the North Dakota Century Code is created and enacted as follows:

48-01.2-02.1. Public improvement construction threshold.

The threshold for bidding construction of a public improvement is one hundred thousand dollars. The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is one hundred thousand dollars.

SECTION 4. AMENDMENT. Section 48-01.2-04 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-04. Publication of advertisement for bids - Emergency exception.

1. Except as otherwise provided in this chapter, if the estimated cost for the construction of a public improvement is ~~estimated to cost~~ in excess of ~~one hundred thousand dollars~~the threshold established under section 48-01.2-02.1, the governing body shall advertise for bids by publishing for three consecutive weeks. The first publication of the advertisement must be at least twenty-one days before the date of the opening of bids. The advertisement must be published in the official newspaper of the political subdivision in which the public improvement is or will be located, and in a trade publication of general circulation among the contractors, building manufacturers, and dealers in this state, except the advertisement for a public improvement financed by special assessments need be published only once each week for two weeks in the official newspaper with the first publication being at least fourteen days before the bid opening.

2. If a governing body declares an emergency situation, the governing body may contract for the construction of a public improvement without seeking bids.

SECTION 5. AMENDMENT. Section 48-01.2-06 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-06. Bid requirements for public improvements.

Multiple prime bids for the general, electrical, and mechanical portions of a project are required when any individual general, electrical, or mechanical contract or any combination of individual contracts is in excess of ~~one hundred thousand dollars~~the threshold established under section 48-01.2-02.1. If a general, mechanical, or electrical contract is estimated to be less than twenty-five ~~thousand dollars~~percent of the threshold, the contract may be included in one of the other prime contracts. A governing body may allow submission of a single prime bid for the complete project or bids for other specialized portions of the project. A governing body may not accept the single prime bid unless that bid is lower than the combined total of the lowest responsible multiple bids for the project.

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CHAPTER 344

SENATE BILL NO. 2027

(Legislative Management)
(Advisory Commission on Intergovernmental Relations)

AN ACT to amend and reenact section 48-01.2-03 of the North Dakota Century Code, relating to specifying materials used in a public improvement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-01.2-03 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-03. Specified brands, marks, names, or patented articles may not be specified.

A governing body, in specifying materials to be used for a public improvement or in plans or specifications for a public improvement, may not request bids for any article of a specified or copyrighted brand or name, the product of any one manufacturer, or any patented apparatus or appliance when the requirement will prevent proper competition, unless the specifications also request bids on other similar articles of equal value, utility, and merit <u>or unless as provided in section 44-08-01</u>.

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CHAPTER 345

SENATE BILL NO. 2025

(Legislative Management)
(Advisory Commission on Intergovernmental Relations)

AN ACT to amend and reenact sections 48-09-01 and 48-09-02 of the North Dakota Century Code, relating to concessions bidding.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-09-01 of the North Dakota Century Code is amended and reenacted as follows:

48-09-01. Granting of concessions for cafes, restaurants, and confectioneries on public buildings and grounds.

Any state official, board, or commission, any county official, board, or commission, and any municipal officer, board, or commission, having the supervision, control, and management of any state, county, or municipal building and ~~the~~ adjacent grounds ~~thereof, when it is deemed to be~~, for the public benefit and good, may grant a concession ~~therein or thereon~~in the building or on the grounds for any cafe, restaurant, or confectionery, by renting, leasing, and licensing ~~any such~~a concession to the highest responsible bidder ~~or best bidder, or both,~~ at a reasonable rental per month, for a period not exceeding eight years, and may reject any and all bids ~~therefor. Provided~~for the concession. However, the board of directors of any North Dakota fair association or board of county park commissioners may grant a concession under this chapter without letting bids.

SECTION 2. AMENDMENT. Section 48-09-02 of the North Dakota Century Code is amended and reenacted as follows:

48-09-02. Concession advertised in legal newspaper.

Except as otherwise provided in section 48-09-01, ~~when the~~if a concession ~~granted pursuant to~~under section 48-09-01 ~~is deemed~~has estimated gross sales worth more than ~~five hundred~~twenty-five thousand dollars annually, ~~the same must be let to the highest bidder or best bidder, or both, after the~~an advertisement for bids ~~therefor~~for the concession must occur once in each week for three consecutive weeks in ~~a legal~~the official newspaper ~~published in the city at or near which such concession is located~~of the entity requesting bids and the concession must be awarded to the highest responsible bidder.

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