

**SENATE BILL NO. 2233**

Introduced by

Senators Dever, O'Connell

Representatives Rick C. Becker, Dockter, Meier

1 A BILL ~~for an Act to amend and reenact section 48-01.2-22 of the North Dakota Century Code,~~  
2 ~~relating to the public opening of subcontractor bids.~~for an Act to provide for a legislative  
3 management study of public improvement issues relating to use of multiple bids versus single  
4 prime bids, bidding thresholds, design services thresholds, and indemnification.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 ~~— **SECTION 1. AMENDMENT.** Section 48-01.2-22 of the North Dakota Century Code is~~  
7 ~~amended and reenacted as follows:~~

8 ~~— **48-01.2-22. Subcontractor bids.**~~

9 ~~— 1. An agency construction manager selected for a public improvement shall publicly~~  
10 ~~advertise publicly and receive open bids from subcontractors for the work items~~  
11 ~~necessary to complete the general construction portions of the improvement. The~~  
12 ~~governing body may influence the selection of the subcontractors, but only insofar as~~  
13 ~~the governing body's past experience with a subcontractor or a current legal dispute~~  
14 ~~with a subcontractor.~~

15 ~~— 2. A construction manager at-risk selected for a public improvement shall publicly~~  
16 ~~advertise publicly and receive open bids from subcontractors for the work items the~~  
17 ~~construction manager at-risk chooses not to perform. The governing body may~~  
18 ~~influence the selection of the subcontractors, but only insofar as the governing body's~~  
19 ~~past experience with a subcontractor or a current legal dispute with a subcontractor.~~

20 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the  
21 legislative management shall consider studying public improvement issues relating to use of  
22 multiple bids versus single prime bids, bidding thresholds, design services thresholds, and  
23 indemnification. The legislative management shall report its findings and recommendations,

Sixty-fourth  
Legislative Assembly

- 1 together with any legislation required to implement the recommendations, to the sixty-fifth
- 2 legislative assembly.