

Sixty-fourth
Legislative Assembly
of North Dakota

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

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

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

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

14 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the
15 legislative management shall consider studying public improvement issues relating to use of
16 multiple bids versus single prime bids, bidding thresholds, design services thresholds, and
17 indemnification. The legislative management shall report its findings and recommendations,
18 together with any legislation required to implement the recommendations, to the sixty-fifth
19 legislative assembly.