

**FIRST ENGROSSMENT
with House Amendments
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 section 48-01.2-22 of the North Dakota Century Code,
2 relating to the public opening of subcontractor bids; and to provide for a legislative management
3 study.

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

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

7 **48-01.2-22. Subcontractor bids.**

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

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