

Introduced by

Representatives Keiser, Beadle, Boschee

Senators Burckhard, Klein, Laffen, Robinson

1 A BILL for an Act to amend and reenact [subsection 3 of section 54-44.7-03](#) and section
2 54-44.7-04 of the North Dakota Century Code, relating to [procurement procedures and](#)
3 exceptions to bidding thresholds for state building projects.

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

5 **SECTION 1. AMENDMENT.** Subsection 3 of section 54-44.7-03 of the North Dakota
6 Century Code is amended and reenacted as follows:

- 7 3. The date for submission of information from interested persons or firms in response to
8 an invitation must be not less than twenty-one days after publication of the invitation.
9 Interested architect, engineer, and land surveying persons or firms must be required to
10 respond to the invitation with the submission of the information required in general
11 services administration ~~forms SF 254 and SF 255~~[form SF 330](#), architect-engineer
12 ~~related-services questionnaire~~[qualifications](#) for specific project, or ~~such~~ similar
13 information as the agency selection committee may prescribe by rule.

14 **SECTION 2. AMENDMENT.** Section 54-44.7-04 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **54-44.7-04. Exception.**

- 17 1. All state agencies securing architect, engineer, construction management, or land
18 surveying services for projects for which the fees are estimated not to exceed
19 ~~twenty-five~~[thirty-five](#) thousand dollars may employ the architects, engineers,
20 construction managers, and land surveyors by direct negotiation and selection, taking
21 into account all of the following:
22 a. The nature of the project.
23 b. The proximity of the architect, engineer, construction management, or land
24 surveying services to the project.

- 1 c. The capability of the architect, engineer, construction manager, or land surveyor
2 to produce the required services within a reasonable time.
- 3 d. Past performance.
- 4 e. Ability to meet project budget requirements.
- 5 This procedure shall still follow state policy set forth above.
- 6 2. Fees paid pursuant to this section during the twelve-month period immediately
7 preceding negotiation of the contract by any single state agency for professional
8 services performed by any one architectural, engineering, or land surveying person or
9 firm may not exceed ~~fifty~~seventy thousand dollars. All persons or firms seeking to
10 render professional services pursuant to this section shall furnish the state agency
11 with which the firm is negotiating a list of professional services, including the fees paid,
12 performed for the state agency during the twelve months immediately preceding the
13 contract being negotiated.