

HOUSE BILL NO. 1189
with Senate Amendments
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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.