

HOUSE BILL NO. 1136

Introduced by

Representatives Keiser, Bosch, Lefor

Senators Burckhard, Klein, Vedaa

1 A BILL for an Act to amend and reenact section 48-01.2-06 of the North Dakota Century Code,
2 relating to bid requirements for public improvements.

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

4 **SECTION 1. AMENDMENT.** Section 48-01.2-06 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **48-01.2-06. Bid requirements for public improvements.**

7 1. Multiple prime bids for the general, electrical, and mechanical portions of a project are
8 required when any individual general, electrical, or mechanical contract or any
9 combination of individual contracts is in excess of the threshold established under
10 section 48-01.2-02.1. If a general, mechanical, or electrical contract is estimated to be
11 less than twenty-five percent of the threshold, the contract may be included in one of
12 the other prime contracts. A governing body may allow submission of a single prime
13 bid for the complete project or bids for other specialized portions of the project. A
14 governing body may not accept the single prime bid unless that bid is lower than the
15 combined total of the lowest responsible multiple bids for the project.

16 2. If a bid for the general, electrical, or mechanical portions of a project is not received, a
17 governing body may ~~negotiate~~:

18 a. Negotiate a contract amendment, up to an additional one hundred fifty thousand
19 dollars, with the general, electrical, or mechanical contractor whose contract
20 would represent the largest portion of the project cost for providing the portion of
21 the project for which a bid was not received without rebidding all or part of the
22 project; or

- 1 b. Award a contract for each portion of a project that received responsible bids
- 2 pursuant to section 48-01.2-07 and readvertise for bids on the portion of the
- 3 project that did not receive bids.