

PUBLIC BUILDING

CHAPTER 281

H. B. No. 638

(McLain, Temanson, Siverson, Haugen)

CONSTRUCTION BIDS; AWARDING OF CONTRACTS; PREFERENCE TO NORTH DAKOTA CONTRACTORS

AN ACT

To amend and reenact section 48-0206 of the North Dakota Revised Code of 1943, relating to the opening of bids, the awarding of contracts and the preference given to North Dakota contractors on such bids.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

48-0206. OPENING BIDS; AWARD OF CONTRACT; BOND REQUIRED.) At the time and place specified in the notice, the governing board shall open publicly and read aloud all bids received, and may reject all bids or award the contract to the lowest and best bidder. If the low bidder has not been a resident of this state for at least one year preceding the date of the filing of his bid, the contract shall be awarded to the lowest qualified bidder who has been a resident of the state for at least one year preceding the date of the filing of his bid, if such bid does not exceed the bid of the low bidder by more than two per cent when the total amount of the bid or contract shall be less than two hundred thousand dollars, and, in the event such bid or contract shall exceed the sum of two hundred thousand dollars but less than five hundred thousand dollars, the preference shall be one and one-half per cent for the entire and full amount of bid or contract; and, should such bid or contract exceed five hundred thousand dollars, the preference shall be one per cent of the entire and full amount of the contract. The amount of the bid or contract shall be determined by a reference to the bid submitted by the lowest qualified bidder. The governing body concerned shall require of the contractor to whom the contract is awarded a bond complying with chapter 1 of this title. Such board shall have the power to reject any and all bids and may advertise anew in accordance herewith until a satisfactory bid is received.

Approved March 12, 1953.

CHAPTER 282

S. B. No. 168

(Kusler, Welander, Freed, Klusmann, Meidinger and Wog)

COMPETITIVE BIDS FOR PUBLIC CONSTRUCTION;
PREFERENCE FOR NORTH DAKOTA PRODUCTS

AN ACT

To amend and reenact section 48-0210 of the North Dakota Revised Code of 1943 to require competitive bids for materials, products, and supplies, found, produced or manufactured in North Dakota from native natural resources, and requiring a preference for such North Dakota products if at least equal in quality and price to out-of-state products, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 48-0210 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

48-0210. § 1. MATERIAL PRODUCED IN STATE; COMPETITIVE BIDS TO BE USED.) All boards or commissions purchasing material for use in making alterations, repairs, or additions, or in erecting new buildings, and all contractors making such alterations, repairs, or additions, or erecting new buildings or improvements therewith or pertaining thereto if the total cost of such improvements or work thereon amounts to more than three thousand dollars shall, if such material is found, produced, or manufactured in North Dakota from native natural resources, be obtained on competitive bids; such boards or commissions shall provide or adopt such separate or supplemental specifications as to materials to be used as are necessary to obtain competitive bids thereon;

§ 2. ADVERTISING FOR BIDS.) Advertisement for bids for such materials as are produced in North Dakota shall be made in accordance with section 48-0203, 48-0204, and 48-0205 in the North Dakota Revised Code of 1943, and may be included as a part of any advertisement for other items of the improvement. Each bid for furnishing materials produced in North Dakota shall be required to contain the bidder's certificate as to where the product is found, produced, or manufactured in the state of North Dakota.

§ 3. OPENING BIDS, AWARD OF CONTRACTS, PREFERENCE FOR NATIVE PRODUCTS.) At the time and place specified in the

notice the governing body shall open publicly and read aloud all bids received and may reject all bids or award the contract to the lowest and best bidder. If there be one or more bids for furnishing materials, products and supplies which are found, produced or manufactured within the state of North Dakota from native natural resources, the lowest of such bids shall be preferred over any bids for furnishing such materials, products, and supplies which are not found, produced or manufactured in North Dakota from native natural resources, unless the accepting of such lowest bid would result in the furnishing of material which could not be supplied in sufficient quantities to meet the needs of the purchaser or of a quality which is not at least equal to out-of-state products when tested by recognized national standards of the industry, in which the producer of the material offered is engaged, and if such North Dakota products are not higher in price than the non-North Dakota product, or are not priced inconsistent with the value thereof. If the bid of the North Dakota supplier is rejected as not being of quality at least equal to out-of-state products, the reason why such North Dakota materials, products and supplies are not reasonably equal to the out-of-state products under recognized standards of the industry shall be reduced to writing, made a matter of record, and be furnished to the North Dakota bidders.

§ 4. VIOLATIONS REMEDY.) Any contract entered into or carried out in violation of the provisions of this Act shall be void to the full extent of its provisions relating to North Dakota products and any such contract or purchase order shall be unenforceable in any court.

Any person who shall have submitted a bid shall have the right to maintain an action in equity to prevent the violation of the terms of this Act within 15 days after the letting of the contract.

§ 5. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 21, 1953.