

HOUSE BILL NO. 1386

Introduced by

Representatives Wald, Carlson, Svedjan

Senator Tollefson

1 A BILL for an Act to amend and reenact subsection 6 of section 48-01.1-01 and sections
2 48-01.1-06 and 48-01.1-09 of the North Dakota Century Code, relating to public improvement
3 contracts.

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

5 **SECTION 1. AMENDMENT.** Subsection 6 of section 48-01.1-01 of the North Dakota
6 Century Code is amended and reenacted as follows:

7 6. "Public improvement" means any improvement the cost of which is payable from
8 taxes or other funds, including economic development funds and sales tax
9 revenues, under the control of a governing body including improvements for which
10 special assessments are levied. The term does not include any county road
11 construction and maintenance, state highway, or public service commission project
12 governed by titles 11, 24, or 38.

13 **SECTION 2. AMENDMENT.** Section 48-01.1-06 of the North Dakota Century Code is
14 amended and reenacted as follows:

15 **48-01.1-06. Bid requirements for public buildings.** Multiple prime bids for the
16 general, electrical, and mechanical portions of a project are allowed, but not required, for
17 contracts of two hundred fifty thousand dollars or less, and are required when any individual
18 general, electrical, or mechanical contract or any combination of individual contracts is in
19 excess of ~~one hundred thousand~~ two hundred fifty thousand dollars. The governing body may
20 also allow the submission of a single prime bid or bids bid for other portions of the project at
21 its discretion independent of the amount of the contract. ~~The~~ When both single prime and
22 multiple prime bids are sought, the governing body may not only accept the lowest total of
23 either the single prime bid unless that bid is lower than the or combined total of the lowest and
24 best multiple bids for the project.

1 **SECTION 3. AMENDMENT.** Section 48-01.1-09 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **48-01.1-09. Use of construction manager.** If a governing body uses a construction
4 manager on a public improvement, the construction manager must be a licensed contractor. A
5 construction manager awarded a contract for construction of a public improvement shall bond
6 the entire cost of the project through a single bond, ~~or through bonds~~ supporting all bid
7 packages and the construction manager's ~~bond for the full amount of the construction~~
8 ~~manager's~~ services.