

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1386

Introduced by

Representatives Wald, Carlson, Svedjan

Senator Tollefson

1 A BILL for an Act to amend and reenact sections 54-44.7-01, 54-44.7-02, subsection 1 of
2 section 54-44.7-03, and subsection 1 of section 54-44.7-04 of the North Dakota Century Code,
3 relating to construction management.

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

5 **SECTION 1. AMENDMENT.** Section 54-44.7-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **54-44.7-01. Definition.** "Architect, engineer, construction management, and land
8 surveying services" are those professional services associated with the practice of architecture,
9 professional engineering, professional land surveying, landscape architecture, ~~and~~ interior
10 design pertaining to construction, and construction management, as defined by the laws of this
11 state, as well as incidental services that members of these professions and those in their
12 employ may logically or justifiably perform, including studies, investigations, surveys,
13 evaluations, consultations, planning, programming, conceptual designs, plans and
14 specifications, cost estimates, inspections, construction management, shop drawing reviews,
15 sample recommendations, preparation of operating and maintenance manuals, and other
16 related services, except for professional services related to prefabricated steel for bridge
17 purposes.

18 **SECTION 2. AMENDMENT.** Section 54-44.7-02 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **54-44.7-02. Applicability - Policy.** Architect, engineer, construction management, and
21 land surveying services must be procured as provided in this chapter. It is the policy of this
22 state that all North Dakota state agencies shall negotiate contracts for services on the basis of
23 demonstrated competence and qualification for the particular type of services required.

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

3 1. Each using agency shall establish its own architect, engineer, construction
4 management, and land surveying services selection committee hereinafter referred
5 to as the agency selection committee, which must be composed of those
6 individuals whom the agency head determines to be qualified to make an informed
7 decision as to the most competent and qualified firm for the proposed project. The
8 head of the using agency or his qualified, responsible designee shall sit as a
9 member of the agency selection committee for the purpose of coordinating and
10 accounting for the committee's work.

11 **SECTION 4. AMENDMENT.** Subsection 1 of section 54-44.7-04 of the North Dakota
12 Century Code is amended and reenacted as follows:

13 1. All state agencies securing architect, engineer, construction management, or land
14 surveying services for projects for which the fees are estimated not to exceed ten
15 thousand dollars may employ the architects, engineers, construction managers,
16 and land surveyors by direct negotiation and selection, taking into account all of
17 the following:

- 18 a. The nature of the project.
19 b. The proximity of the architect, engineer, construction management, or land
20 surveying services to the project.
21 c. The capability of the architect, engineer, construction manager, or land
22 surveyor to produce the required services within a reasonable time.
23 d. Past performance.
24 e. Ability to meet project budget requirements.

25 This procedure shall still follow state policy set forth above.