

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1377

Introduced by

Representatives Gulleson, Amerman, L. Meier

Senators Brown, Heitkamp, Tollefson

1 A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota
2 Century Code, relating to disclosure of whether work on state contracts will be performed within
3 the United States and rejection of bids.

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

5 **SECTION 1.** A new section to chapter 44-08 of the North Dakota Century Code is
6 created and enacted as follows:

7 **State contracts - Performance of work outside the United States - Notice -**
8 **Preference.**

- 9 1. A vendor submitting a bid or proposal to provide services for a state agency,
10 department, or institution shall include a statement in the bid or proposal indicating
11 whether the services covered by the bid or proposal will be performed in the United
12 States.
- 13 2. If, during the term of a contract with a state agency, department, or institution, a
14 contractor or subcontractor intends to transfer work under the contract outside the
15 United States, the contractor or subcontractor shall provide written notice to the
16 agency, department, or institution within ninety days before the intended transfer or
17 within such time as specified by the contract that the work is being transferred
18 outside the United States. The notice must include a summary of the work that will
19 be performed outside the United States and a disclosure of the location where the
20 work will be performed. The contracting agency, department, or institution shall
21 respond in writing within thirty days of the receipt of the notice of intent to transfer
22 the work, stating its approval or disapproval of the intended transfer. If the
23 contracting agency, department, or institution does not approve the request to

- 1 allow the transfer, the agency, department, or institution may terminate the
2 contract.
- 3 3. If two or more bids or proposals are received that are substantially equal, the office
4 of management and budget or any other state agency, department, or institution
5 authorized to accept bids for any service shall give preference to a bidder that
6 indicates that the work will be performed in the United States.
- 7 4. The office of management and budget or any other state entity authorized to
8 accept bids for any service may reject the bid of a bidder that indicates that the
9 work will be performed outside the United States if it appears to be in the best
10 interest of the state to have the work performed within the United States.