

**Sixty-second Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2026  
(Legislative Management)  
(Advisory Commission on Intergovernmental Relations)

AN ACT to create and enact section 48-01.2-02.1 of the North Dakota Century Code, relating to the bidding threshold for public improvement construction; and to amend and reenact subsection 4 of section 48-01.2-01 and sections 48-01.2-02, 48-01.2-04, and 48-01.2-06 of the North Dakota Century Code, relating to the bidding threshold for public improvement construction.

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

**SECTION 1. AMENDMENT.** Subsection 4 of section 48-01.2-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Construction" means the process of building, altering, repairing, improving, or demolishing any public structure or building or other improvement to any public property. The term does not include the routine operation or maintenance of existing facilities, structures, buildings, or real property or demolition projects costing less than ~~one hundred thousand dollars~~ the threshold established under section 48-01.2-02.1.

**SECTION 2. AMENDMENT.** Section 48-01.2-02 of the North Dakota Century Code is amended and reenacted as follows:

**48-01.2-02. Plans and specifications for a public improvement contract.**

Except as otherwise provided in this chapter, if ~~a contract~~ the estimated cost for the construction of a public improvement is ~~estimated to cost~~ in excess of one hundred thousand dollars ~~the threshold established under section 48-01.2-02.1,~~ the governing body shall procure plans, drawings, and specifications for the improvement from an architect or engineer. For a public building in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications, with the approval of the state board of higher education, may be prepared by an engineer in the regular employment of the agricultural experiment station. For a public building in use by or to be used by the department of transportation for the storage and housing of road materials or road machinery, equipment, and tools, the plans, drawings, and specifications may be prepared by an engineer employed by the department of transportation.

**SECTION 3.** Section 48-01.2-02.1 of the North Dakota Century Code is created and enacted as follows:

**48-01.2-02.1. Public improvement construction threshold.**

The threshold for bidding construction of a public improvement is one hundred thousand dollars. The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is one hundred thousand dollars.

**SECTION 4. AMENDMENT.** Section 48-01.2-04 of the North Dakota Century Code is amended and reenacted as follows:

**48-01.2-04. Publication of advertisement for bids - Emergency exception.**

1. Except as otherwise provided in this chapter, if the estimated cost for the construction of a public improvement is ~~estimated to cost~~ in excess of one hundred thousand dollars ~~the threshold established under section 48-01.2-02.1,~~ the governing body shall advertise for bids

by publishing for three consecutive weeks. The first publication of the advertisement must be at least twenty-one days before the date of the opening of bids. The advertisement must be published in the official newspaper of the political subdivision in which the public improvement is or will be located, and in a trade publication of general circulation among the contractors, building manufacturers, and dealers in this state, except the advertisement for a public improvement financed by special assessments need be published only once each week for two weeks in the official newspaper with the first publication being at least fourteen days before the bid opening.

2. If a governing body declares an emergency situation, the governing body may contract for the construction of a public improvement without seeking bids.

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

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

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

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President of the Senate

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Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2026.

Senate Vote:    Yeas 47            Nays 0            Absent 0

House Vote:    Yeas 92            Nays 0            Absent 2

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2011.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2011,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State