

SENATE BILL NO. 2162

Introduced by

Senators Lee, Bekkedahl

Representatives Lefor, Monson

1 A BILL for an Act to create and enact two new sections to chapter 54-44.4 and subsection 3 of
2 section 54-44.4-14 of the North Dakota Century Code, relating to payments for purchases,
3 communication with elected officials, and the procurement information website; and to amend
4 and reenact subsection 7 of section 54-44.4-02 of the North Dakota Century Code, relating to
5 emergency purchases.

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

7 **SECTION 1.** A new section to chapter 54-44.4 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Elected officials - Bidder - Communication.**

10 Notwithstanding any other provision of law, the office of management and budget may not
11 restrict communication between a person that is interested in submitting a bid or has submitted
12 a bid to provide commodities or services to the state and any state official or any member of the
13 legislative assembly. This section does not apply to communication with a state official directly
14 involved with a bid under consideration.

15 **SECTION 2. AMENDMENT.** Subsection 7 of section 54-44.4-02 of the North Dakota
16 Century Code is amended and reenacted as follows:

17 7. Emergency purchases the office of management and budget cannot make within the
18 required time and which involve public health or public safety, or when immediate
19 expenditures are necessary for repairs of state property to protect it against further
20 loss or damage, or to prevent or minimize serious disruption in state services.

21 a. Emergency purchases made under this subsection must be:

- 22 (1) Be made with the level of competition practicable under the circumstances,
23 and a;
24 (2) Include a written determination of the basis for the emergency; and for

1 (3) Include a written explanation of the selection of the particular contractor
2 which must be includedretained in the contract file.

3 b. Emergency bids under this subsection must include a sample of the commodity
4 to be purchased, and a bidder may not change the bid proposal for forty-eight
5 hours after submission.

6 **SECTION 3.** A new section to chapter 54-44.4 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Purchases - Payment - Commodity.**

9 The purchasing agency shall pay the vendor for all commodities within thirty days of receipt
10 of an invoice.

11 **SECTION 4.** Subsection 3 of section 54-44.4-14 of the North Dakota Century Code is
12 created and enacted as follows:

13 3. The office of management and budget shall establish and maintain a standardized bid
14 procedure for the submission of electronic bids and proposals through the
15 procurement information website. The procedure must minimize the length of a
16 solicitation for bid and include only the unique specifications related to the commodity
17 or service sought.