

2023 HOUSE POLITICAL SUBDIVISIONS

HB 1127

2023 HOUSE STANDING COMMITTEE MINUTES

Political Subdivisions Committee Room JW327B, State Capitol

HB 1127
1/12/2023

Relating to cost limitations for a county bridge.

Chairman Longmuir opened the hearing on HB 1127 at 9:15 AM

Members present: Chairman Longmuir, Vice Chairman Fegley, Rep. Hatlestad, Rep. Heilman, Rep. Holle, Rep. Jonas, Rep. Klemin, Rep. Motschenbacher, Rep. Ostlie, Rep. Rios, Rep. Toman, Rep. Warrey, Rep. Davis, Rep. Hager

Discussion Topics:

- Century Code updates
- Timelines for advertising
- Increase bidding amounts

Rep. Shannon Roers Jones: Introduced the bill. No written testimony.

Jason Benson, County Commissioner, Cass County: In support. Testimony #12945

Dana Larson, Ward County Engineer: In support. Testimony # 13015

Russ Hanson, Associated General Contractors of ND: In support. Testimony #13047

Larry Severs: In support. No written testimony

Rep. Ostlie Moved a Do Pass. Seconded by Rep. Hager

Representatives	Vote
Representative Donald W. Longmuir	Y
Representative Clayton Fegley	Y
Representative Jayme Davis	Y
Representative LaurieBeth Hager	Y
Representative Patrick Hatlestad	Y
Representative Matt Heilman	Y
Representative Dawson Holle	Y
Representative Jim Jonas	Y
Representative Lawrence R. Klemin	Y
Representative Mike Motschenbacher	Y
Representative Mitch Ostlie	Y
Representative Nico Rios	Y
Representative Nathan Toman	Y
Representative Jonathan Warrey	Y

House Political Subdivisions Committee

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Roll Call Vote 14 Yes 0 No 0 Absent Carrier: Rep. Jonas

Additional written testimony:

Nick West, Grand Forks County Engineer: #12941

Meeting closed at 9:49 AM.

Delores Shimek, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1127: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Eleventh order on the calendar.

2023 SENATE TRANSPORTATION

HB 1127

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HB 1127
3/2/2023

A BILL for an Act, relating to county highways and bridges; relating to cost limitations for a county bridge.

10:35 AM Chairman Clemens called the hearing to order.
Chairman Clemens, Senators Conley, Larsen, Paulson, Rummel were present.

Discussion Topics:

- Maintenance projects
- Emergency clause
- Outdated language
- Price increases
- Culvert repairs
- Road repairs
- Supply chain
- Online bidding
- Electronic exchanges
- Bid threshold

10:35 AM Senator Roers Jones verbally introduced the bill.

10:26 AM Genny Dienstmann, North Dakota Association of Counties, verbally testified.

10:37 AM Jason Benson, Cass County Engineer, Cass County Highway Department, testified. #21393

10:51 AM Dana Larsen, Ward County Engineer, Ward County Highway Department, testified. #21674

11:05 AM Russell Hanson, Associated General Contractors of North Dakota, testified. #21760

11:10 Larry Syverson, North Dakota Township Officers Association, verbally testified.

Additional written testimony:

Nick West #21428

11:11 AM Chairman Clemens adjourned the hearing.

11:12 AM Senator Larsen moved a **DO PASS** on HB 1127
11:12 AM Senator Conley seconded.

Roll call vote.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	N

Motion passed 4-1-0

Senator Larsen will carry the bill.

11:14 AM Chairman Clemens closed the meeting.

Patricia Wilkens, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1127: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

TESTIMONY

HB 1127

Testimony Prepared for the
House Political Subdivisions Committee
January 12, 2023
By: Nick West, Grand Forks County Engineer



RE: Support for HB 1127 – Relating to county highways and bridges and cost limitations for a county bridge

Chairman Longmuir and members of the House Political Subdivision Committee members, thank you for the opportunity to provide testimony on HB 1127. I am Nick West, the Grand Forks County Engineer, and I also serve as the past president and a member of the legislative committee for the ND Association of County Engineers (NDACE). I would offer support for the bill as proposed.

These changes were drafted to adjust for inflation and align the bidding requirements of the NDCC. These changes will streamline the advertising and bid processes and reduce confusion for contractors and county officials. Its been over 40-years since some of these sections have been updated. Anytime an exact dollar amount is used in law, it would be prudent to adjust those numbers for inflation periodically.

The first change is increasing the bid threshold in the NDCC Chapter 24-05 & 24-08. This will increase the bid threshold for County Road and Bridge projects to \$200,000 to align with the with the current Public Improvements Bids 48-01.2-02.1. The current bid threshold for Highways is \$100,000 and for Bridges is \$30,000. Many basic maintenance projects exceed the current bid threshold. Increasing the bid threshold to \$200,000 will reduce project delays and costs, especially for maintenance projects identified in the summer where advertising, bidding, and awarding the contract can push the earliest project start date late into the fall.

The second change would allow for an emergency clause for county roadway work similar to what is currently allowed for bridges. The emergency language proposed for highways is the same language that is in law for bridges as spelled out in Section 24-08-03 paragraph 2 of the NDCC. This would allow emergency work to be completed without bidding and advertisement with approval from the County Commission. When an emergency occurs, the process from advertising to awarding the contract will take over a month, sometimes up to two months.

Under emergency conditions, taking another month or two to get a project started is too long and creates an extended unnecessary public safety challenge.

The third change is to align the bid advertisement timeline for bridge projects to two weeks to be consistent with requirements for highway/roadway projects. Currently the advertising period for a bridge project is 30 days, much longer than the two-week advertising period for a highway project. Many bridge improvement projects consist of bridge repair, concrete box culvert, or large metal arch culverts and do not require contractors to review complicated detailed plans.

Lastly, this bill eliminates the out-of-date language regarding bridges and County Commission reviews. This change removes the requirement for County Commissions to investigate the necessity of a bridge if it costs more than \$500. The current language is an unnecessary holdover requirement from back to the early 1900's when road and bridge networks were first being constructed.

Chairman Longmuir and committee members, Grand Forks County as a whole and the NDACE supports the bill as written. Approving these changes will result in a reduction in time and resources to advertise, bid, and construct County road and bridge projects and would align the processes for project bidding and reduce bidding requirement confusion.

Thank you for your time and service to ND.

Testimony Prepared for the
House Political Subdivisions Committee
January 12, 2023
By: Jason Benson, Cass County Engineer



RE: Support for HB 1127 – Relating to county highways and bridges and relating to cost limitations for a county bridge

Chairman Longmuir and House Political Subdivision Committee members, thank you for the opportunity to provide testimony on HB 1127. I am Jason Benson, the Cass County Engineer, and I also serve on the legislative committee for the ND Association of County Engineers. I am here to support the bill as proposed.

These changes were drafted to align the bidding requirements of the highway and bridge sections of the North Dakota Century Code. These changes will streamline the advertising and bid processes and reduce confusion for contractors and county officials. Most of these changes will update sections of the North Dakota Century Code that have not been update since before the 1980s.

The first change is increasing the bid threshold in the North Dakota Century Code Chapter 24-05 and 24-08. This will increase the bid threshold for County Road and Bridge projects to \$200,000 to align with the current Public Improvements Bids 48-01.2-02.1. The current bid threshold for Highways is \$100,000 and for Bridges is \$30,000. Many projects including bridge repairs, asphalt road patching, and other maintenance projects currently exceed the current bid threshold. Increasing the bid threshold to \$200,000 will reduce project delays and costs, especially for maintenance projects identified in the summer where advertising, bidding, and awarding the contract can push the earliest project start date late into the fall.

The second change would allow for an emergency clause for county highways like what is currently allowed for county bridges. The emergency language proposed for highways is the same language that is in law for bridges as spelled out in Section 24-08-03 paragraph 2 of the North Dakota Century Code. This would allow emergency work to be completed without bidding and advertisement. Flooding, riverbank slumping or erosion of roadways, and other emergencies result in an increase in emergency work on highways. Often these emergency road issues are adjacent to emergency bridge issues. When an emergency occurs,

the process from advertising to awarding the contract to the contractor mobilizing to the project site can take over 45-60 days. Under emergency conditions, taking six weeks to get a highway project started is too long.

The third change is to align the bid advertisement timeline for bridge projects to two weeks to be consistent with requirements for highway projects. Currently the advertising period for a bridge project is 30 days, much longer than the two-week advertising period for a highway project. Many bridge improvement projects consist of bridge repair, concrete box culvert, or large metal arch culverts and do not require contractors to review significant or detailed plans. Timeliness of bidding is important as bridge projects require additional time to fabricate the concrete box culverts, bridge beams, and other critical bridge components after the contract is awarded.

Finally, this bill eliminates the outdated language regarding bridges and County Commission reviews. This change removes the requirement for County Commissions to investigate the necessity of a bridge if it costs more than \$500. The current language is an unnecessary holdover requirement from back to the early 1900's when road and bridge networks were first being constructed.

Chairman Longmuir and committee members, I want to reiterate that NDACE supports the bill as written. Approving these changes will result in a reduction in time and resources to advertise, bid, and construct County road and bridge projects. It aligns these processes for roads and bridges which will result in more consistency and fewer errors in the implementation of bidding these projects.



Ward County Highway Department

900 13th St. SE • P.O. Box 5005 • Minot, ND 58702-5005 • (701) 838-2810 • Fax (701) 838-3801

Testimony Regarding HB 1127 House Political Subdivision Committee

January 12, 2023

Prepared by: Dana G. Larsen, PE, Ward County Engineer

RE: Support for HB 1127 – Relating to county highways and bridges and relating to cost limitations for a county bridge.

Chairman Longmuir and House Political Subdivision Committee members, my name is Dana Larsen and I serve as the County Engineer for Ward County. I appreciate the opportunity to provide testimony on HB 1127 which will update the bidding requirements for county highway and bridges, remove outdated restrictions and bring uniformity into the bidding requirements.

Currently, the bidding threshold and bidding requirements are not uniform between the road and bridge sections of the century code and with different advertising requirements and bidding amounts. Also there are dollar values listed in the bridge section that are out of date. In NDCC 24-08-01, there is a requirement for County Commissions to investigate the necessity of a bridge if it costs more than \$500. For reference, 30 feet of 18-inch metal culvert costs over \$1,000, which does not include installation. In NDCC 24-08-09 it stated the total cost to any county of any bridge built under the provisions of section 24-08-05 across a navigable river in no case may exceed \$300,000. It would be difficult to build any highway bridge for under \$300,000, and the cost of environmental and engineering would exceed the \$300,000 limit on some bridges.

This bill would increase the bid threshold to \$200,000 for road and bridge projects which would bring it into alignment with the Public Improvement threshold of \$200,000. There would still be a requirement for the county to seek quotes from

at least two contractors when the cost of the improvement is between \$50,000 and \$200,000. These changes would assist the county in addressing maintenance project such as patching, road repairs, culvert replacement, or bridge repair projects, when items need to be addressed and the number of summer construction days are limited. In the past we would take quotes from suppliers for bridge materials and culverts to be install by our crews. Those material cost would be under \$30,000, however, now many of those same materials exceed \$30,000 and would take about 45 to 60 days to bid out. I was not able to find when the last time the values in this section (NDCC 24-08-03) were updated, but it appears the last time any changes were made to this section of the century code was forty years ago. I looked back in my records and in 1983, Ward County bid out the construction of a new concrete bridge, on a paved county road over the Des Lacs River, located west of Kenmare North Dakota. This was a federal aid project, and the total cost of the project was around \$110,000. In 2023, we will be bidding the replacement of a bridge in Donnybrook, downs stream about 15 miles from Kenmare on the Des Lacs River and we are estimating the cost to be over \$1.2 million.

The addition of the emergency language or the road section of the century code which mirrors the emergency language in the bridge section will also make the century code more uniform and less complicated to implement. For example, most of the time when a roadway or bridge is impacted by flooding, both are damaged and need to be repaired to open the road. There are also instances if a small bridge were to be damage, many time the bridges are replaced with large culvert or box culverts, but the confusion would be, is this a road project or bridge project and what bidding requirements would we need to follow.

Chairman Longmuir and committee members, I want to thank you for your time today, and I would ask for your support on these changes which bring more consistency in the bidding process for both roads and bridges, and align the bidding threshold with other public improvements.

Testimony HB 1127
House Political Subdivisions Committee
January 12, 2023

Mr. Chairman and members of the House Political Subdivisions committee, my name is Russ Hanson of the Associated General Contractors of North Dakota. AGC of ND is a 400 member association which has been in existence since 1951. Our membership consists of all aspects of commercial construction - highway contractors, vertical contractors, civil/heavy, specialty contractors, subcontractors as well as material and equipment suppliers.

I appreciate the opportunity to present this testimony in support of HB 1127. We favor the concept of addressing the county bid thresholds to match another threshold commonly utilized in the industry (NDCC 48). If enacted, this legislation will accomplish this at a level (\$200,000) our association leadership generally believe is appropriate.

The verbiage proposed in this legislation for instances under the proposed new threshold to encourage competition is also a good addition in our opinion.

Thanks for the opportunity to comment on HB 1127. We respectfully request the committee issue a Do Pass Recommendation. If the committee has questions, I am happy to try to address them.

Testimony Prepared for the
Senate Transportation Committee
March 2, 2023
By: Jason Benson, Cass County Engineer



RE: Support for HB 1127 – Relating to county highways and bridges and relating to cost limitations for a county bridge

Chairman Clemens and Senate Transportation Committee members, thank you for the opportunity to provide testimony on HB 1127. I am Jason Benson, the Cass County Engineer, and I also serve on the legislative committee for the ND Association of County Engineers. I am here to support the bill as proposed.

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Chairman Clemens and committee members, I want to reiterate that NDACE supports the bill as written. Approving these changes will result in a reduction in time and resources to advertise, bid, and construct County road and bridge projects. It aligns these processes for roads and bridges which will result in more consistency and fewer errors in the implementation of bidding these projects.

Testimony Prepared for the
Senate Transportation Committee
March 2, 2023
By: Nick West, Grand Forks County Engineer



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Chairman Clemens and committee members, Grand Forks County as a whole and the NDACE supports the bill as written. Approving these changes will reduce time and resources to advertise, bid, and construct County road and bridge projects and aligns and clarifies the processes for project bidding.



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Testimony Regarding HB 1127 Senate Transportation Committee

March 2, 2023

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