

Fifty-seventh
Legislative Assembly
of North Dakota

SENATE BILL NO. 2188

Introduced by

Senators G. Nelson, Cook

Representatives Froseth, Pietsch

1 A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code,
2 relating to a governmental purchase preference to residents.

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

4 **SECTION 1. AMENDMENT.** Section 44-08-01 of the 1999 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **44-08-01. Preference to North Dakota bidders, sellers, and contractors.**

- 7 1. The office of management and budget, any other state entity, and the governing
8 body of any political subdivision of the state in purchasing any goods,
9 merchandise, supplies, or equipment of any kind, or contracting to build or repair
10 any building, structure, road, or other real property, shall give a five percent
11 preference to bidders, sellers, or contractors resident in North Dakota. ~~The~~
12 ~~preference must be equal to the preference given or required by the state of the~~
13 ~~nonresident bidder, seller, or contractor.~~ In specifying or purchasing goods,
14 merchandise, supplies, or equipment to be purchased, the entity or board may not
15 specify any trademarked or copyrighted brand or name, nor the product of any one
16 manufacturer, nor any patented product, apparatus, device, or equipment, where
17 the same will prevent proper competition, unless bidders also are asked for bids or
18 offers upon other articles of like nature, utility, and merit.
- 19 2. A state entity authorized to accept bids shall give preference to a resident North
20 Dakota bidder when accepting bids for the provision of professional services,
21 including research and consulting services. The state entity shall award the bid to
22 the resident North Dakota bidder if the bid of the resident North Dakota bidder is
23 ~~equal to or less than~~ not in excess of five percent of the low bid of a nonresident

- 1 bidder and the resident North Dakota bidder has an acceptable performance
- 2 history and meets the minimum requirements specified in the bid solicitation.