

# PUBLIC BUILDINGS

## CHAPTER 410

### HOUSE BILL NO. 1166

(Transportation Committee)

(At the request of the Department of Transportation)

### DOT BUILDING PLANS

AN ACT to amend and reenact section 48-01.1-04 of the North Dakota Century Code, relating to the department of transportation procuring plans and specifications for buildings to be used for the storage and housing of road materials, machinery, equipment, and tools; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 48-01.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**48-01.1-04. Plans and specifications for public improvement contracts.**

If a contract of a governing body for the construction of a public improvement is estimated to cost in excess of one hundred thousand dollars, the governing body shall procure plans, drawings, and specifications for the work from a licensed architect or registered professional engineer. For public buildings in use by or to be used by the North Dakota agricultural experiment stations 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 procured from a registered professional engineer if the engineer is in the regular employment of the agricultural experiment station. For public buildings in use by or to be used by the department of transportation for the storage and housing of road materials and road machinery, equipment, and tools, the plans, drawings, and specifications may be procured from a registered professional engineer employed by the department of transportation.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.

Approved March 27, 2001

Filed March 27, 2001

## CHAPTER 411

### HOUSE BILL NO. 1386

(Representatives Wald, Carlson, Svedjan)  
(Senator Tollefson)

## CONSTRUCTION MANAGEMENT

AN ACT to amend and reenact sections 48-01.1-09, 54-44.7-01, and 54-44.7-02, subsection 1 of section 54-44.7-03, and subsection 1 of section 54-44.7-04 of the North Dakota Century Code, relating to construction management.

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

**SECTION 1. AMENDMENT.** Section 48-01.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**48-01.1-09. Use of construction manager.** If a governing body uses a construction manager on a public improvement, the construction manager must be a licensed contractor. A The construction manager awarded a the contract for construction of a public improvement shall bond the entire cost of the project through a single bond, or through bonds supporting provided by all bid packages and the construction manager's bond for the full amount of the construction manager's services. If the total of the bonds is less than the total project bid, the construction manager shall bond the difference between the total of the bonds and the total project bid.

**SECTION 2. AMENDMENT.** Section 54-44.7-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.7-01. Definition.** "Architect, engineer, construction management, and land surveying services" are those professional services associated with the practice of architecture, professional engineering, professional land surveying, landscape architecture, ~~and~~ interior design pertaining to construction, and construction management, as defined by the laws of this state, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, construction management, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services, except for professional services related to prefabricated steel for bridge purposes.

**SECTION 3. AMENDMENT.** Section 54-44.7-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.7-02. Applicability - Policy.** Architect, engineer, construction management, and land surveying services must be procured as provided in this chapter. It is the policy of this state that all North Dakota state agencies shall negotiate contracts for services on the basis of demonstrated competence and qualification for the particular type of services required.

**SECTION 4. AMENDMENT.** Subsection 1 of section 54-44.7-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Each using agency shall establish its own architect, engineer, construction management, and land surveying services selection committee hereinafter referred to as the agency selection committee, which must be composed of those individuals whom the agency head determines to be qualified to make an informed decision as to the most competent and qualified firm for the proposed project. The head of the using agency or his qualified, responsible designee shall sit as a member of the agency selection committee for the purpose of coordinating and accounting for the committee's work.

**SECTION 5. AMENDMENT.** Subsection 1 of section 54-44.7-04 of the North Dakota Century Code is amended and reenacted as follows:

1. All state agencies securing architect, engineer, construction management, or land surveying services for projects for which the fees are estimated not to exceed ten thousand dollars may employ the architects, engineers, construction managers, and land surveyors by direct negotiation and selection, taking into account all of the following:
  - a. The nature of the project.
  - b. The proximity of the architect, engineer, construction management, or land surveying services to the project.
  - c. The capability of the architect, engineer, construction manager, or land surveyor to produce the required services within a reasonable time.
  - d. Past performance.
  - e. Ability to meet project budget requirements.

This procedure shall still follow state policy set forth above.

Approved May 10, 2001  
Filed May 10, 2001

## CHAPTER 412

### SENATE BILL NO. 2375

(Senators Espegard, Grindberg)  
(Representatives Kretschmar, Maragos)

### **DIRECTED SURETYSHIP BONDS PROHIBITED**

AN ACT to create and enact a new section to title 48 of the North Dakota Century Code, relating to limitations on governing bodies requiring directed suretyship bonds.

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

**SECTION 1.** A new section to title 48 of the North Dakota Century Code is created and enacted as follows:

**Public buildings - Directed surety bonds prohibited.** A governing body may not require any person required to provide a surety bond under this title to furnish financial data to or obtain a surety bond from a specified insurance or surety company or insurance producer.

Approved March 28, 2001

Filed March 28, 2001