

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2240

Introduced by

Senators Heitkamp, G. Lee, Traynor

Representatives Amerman, D. Johnson, Nelson

1 A BILL for an Act to amend and reenact sections 61-16.1-14, 61-21-45, 61-35-13, and 61-35-88
2 and subsection 2 of section 61-35-94 of the North Dakota Century Code, relating to bids for
3 water district construction, maintenance, and improvement projects.

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

5 **SECTION 1. AMENDMENT.** Section 61-16.1-14 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **61-16.1-14. Contracts for construction or maintenance of project.** If the cost of
8 construction or maintenance of a project does not exceed ~~fifty thousand dollars~~ the amount
9 provided for construction of a public improvement under section 48-01.1-03, the work may be
10 done on a day work basis or a contract may be let without being advertised. In cases where
11 the cost of the construction or maintenance exceeds ~~fifty thousand dollars~~ the amount provided
12 for construction of a public improvement under section 48-01.1-03, the board must let a
13 contract in accordance with chapters 48-01.1 and 48-02.

14 **SECTION 2. AMENDMENT.** Section 61-21-45 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **61-21-45. Contracts for work of cleaning and repairing drains.** If the cost of any
17 work of cleaning out or repairing any drain, or system of legal drains, if more than one cleaning
18 or repair project is carried on under one contract, does not exceed ~~fifty thousand dollars~~ the
19 amount provided for construction of a public improvement under section 48-01.1-03 in any one
20 year, the work may be done on a day work basis or a contract may be let without being
21 advertised. In cases where the cost of such work exceeds ~~fifty thousand dollars~~ the amount
22 provided for construction of a public improvement under section 48-01.1-03 in any one year, a
23 contract must be let in accordance with chapters 48-01.1 and 48-02. The competitive bid
24 requirement is waived, upon the determination of the board that an emergency situation exists

requiring the prompt repair of a project, and a contract may be made for the prompt repair of the project without seeking bids.

SECTION 3. AMENDMENT. Section 61-35-13 of the North Dakota Century Code is amended and reenacted as follows:

61-35-13. Contracts for construction or maintenance of a project. If the cost of construction or maintenance of a project does not exceed ~~fifty thousand dollars~~ the amount provided for construction of a public improvement under section 48-01.1-03, the work may be done on a day work basis or a contract may be let without being advertised. If the cost of the construction or maintenance exceeds ~~fifty thousand dollars~~ the amount provided for construction of a public improvement under section 48-01.1-03, the lowest and best bid must be accepted. The board must comply with the requirements of sections 61-35-88 through 61-35-103 when bidding a project.

The competitive bid requirement of this section may be waived if the board determines that an emergency exists requiring the prompt repair of a project and a contract may be made for the prompt repair of the project without seeking bids.

SECTION 4. AMENDMENT. Section 61-35-88 of the North Dakota Century Code is amended and reenacted as follows:

61-35-88. Call for bids - Contents - Advertising. Proposals for the work of making improvements provided for in this chapter that exceed ~~fifty thousand dollars~~ the amount provided for construction of a public improvement under section 48-01.1-03 must be advertised for by the board in the official newspaper of the county where the district office is located once each week for two consecutive weeks. The board may cause the work on two or more improvements to be combined in one advertisement and one contract awarded pursuant to that advertisement. The advertisement for bids must:

1. Specify the work to be done according to the plans and specifications on file in the office of the district;
2. Call for bids upon the basis of cash payment for the work;
3. State the time within which the bids will be received; and
4. State the time within which the work on the improvement is to be completed.

1 The board may require bidders to state also the rate of interest, not exceeding seven percent
2 per annum, which the bonds to be received and accepted by the bidder at par in payment for
3 the work are to bear.

4 **SECTION 5. AMENDMENT.** Subsection 2 of section 61-35-94 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. Cause the work described in the plans, specifications, and estimates to be done
7 directly by the district by the employment of labor and the purchase of materials
8 required, or in any other manner the board considers proper, and payment for the
9 work may be provided through special assessments in the same manner as
10 though the work had been performed under contract, provided this work amounts
11 to no more than ~~fifty thousand dollars~~ the amount provided for construction of a
12 public improvement under section 48-01.1-03; or