

Sixty-first  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2273**

Introduced by

Senators O'Connell, Fischer, Olafson

Representatives Froseth, Hunsakor, Klein

1 A BILL for an Act to amend and reenact sections 48-01.2-02, 61-16.1-14, 61-21-45, 61-35-13,  
2 61-35-88, and 61-35-94 of the North Dakota Century Code, relating to plans and specifications  
3 for public improvement contracts and bidding requirements.

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

5 **SECTION 1. AMENDMENT.** Section 48-01.2-02 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **48-01.2-02. Plans and specifications for a public improvement contract.** Except as  
8 otherwise provided in this chapter, if a contract for the construction of a public improvement is  
9 estimated to cost in excess of ~~one~~ seven hundred fifty thousand dollars, the governing body  
10 shall procure plans, drawings, and specifications for the improvement from an architect or  
11 engineer. For a public building in use by or to be used by the North Dakota agricultural  
12 experiment station in connection with farm or agricultural research operations, the plans,  
13 drawings, and specifications, with the approval of the state board of higher education, may be  
14 prepared by an engineer in the regular employment of the agricultural experiment station. For a  
15 public building in use by or to be used by the department of transportation for the storage and  
16 housing of road materials or road machinery, equipment, and tools, the plans, drawings, and  
17 specifications may be prepared by an engineer employed by the department of transportation.

18 **SECTION 2. AMENDMENT.** Section 61-16.1-14 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **61-16.1-14. Contracts for construction or maintenance of project.** If the cost of  
21 construction or maintenance of a project does not exceed ~~the amount provided for construction~~  
22 ~~of a public improvement under section 48-01.2-02~~ one hundred thousand dollars, the work may  
23 be done on a day work basis or a contract may be let without being advertised. In cases where  
24 the cost of the construction or maintenance exceeds ~~the amount provided for construction of a~~

~~public improvement under section 48-01.2-02~~ one hundred thousand dollars, the board must let a contract in accordance with chapter 48-01.2.

**SECTION 3. AMENDMENT.** Section 61-21-45 of the North Dakota Century Code is amended and reenacted as follows:

**61-21-45. Contracts for work of cleaning and repairing drains.** If the cost of any work of cleaning out or repairing any drain, or system of legal drains, if more than one cleaning or repair project is carried on under one contract, does not exceed ~~the amount provided for construction of a public improvement under section 48-01.2-02~~ one hundred thousand dollars in any one year, the work may be done on a day work basis or a contract may be let without being advertised. When the cost of such work exceeds ~~the amount provided for construction of a public improvement under section 48-01.2-02~~ one hundred thousand dollars in any one year, a contract must be let in accordance with chapter 48-01.2. The competitive bid 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 4. 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 ~~the amount provided for construction of a public improvement under section 48-01.2-02~~ one hundred thousand dollars, 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 ~~the amount provided for construction of a public improvement under section 48-01.2-02~~ one hundred thousand dollars, 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 5. 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.**

- 1           1.   Proposals for the work of making improvements provided for in this chapter ~~that~~  
2           which exceed ~~the amount provided for construction of a public improvement under~~  
3           ~~section 48-01.2-02~~ one hundred thousand dollars must be advertised for by the  
4           board in the official newspaper of the county where the district office is located  
5           once each week for two consecutive weeks. The board may cause the work on  
6           two or more improvements to be combined in one advertisement and one contract  
7           awarded pursuant to that advertisement. The advertisement for bids must:
- 8           ~~4-~~ a.   Specify the work to be done according to the plans and specifications on file  
9                   in the office of the district;
- 10          ~~2-~~ b.   Call for bids upon the basis of cash payment for the work;
- 11          ~~3-~~ c.   State the time within which the bids will be received; and
- 12          ~~4-~~ d.   State the time within which the work on the improvement is to be completed.
- 13          2.   The board may require bidders to state also the rate of interest, not exceeding  
14               seven percent per annum, which the bonds to be received and accepted by the  
15               bidder at par in payment for the work are to bear.

16           **SECTION 6. AMENDMENT.** Section 61-35-94 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **61-35-94. Rejection of bids - Readvertising for bids or construction by district**  
19 **without contract - Reevaluation of project.** If in its opinion the best interests of the district  
20 require, the board may reject any and all bids filed under this chapter. If all bids are rejected,  
21 the board may:

- 22          1.   Readvertise for new bids;
- 23          2.   Cause the work described in the plans, specifications, and estimates to be done  
24               directly by the district by the employment of labor and the purchase of materials  
25               required, or in any other manner the board considers proper, and payment for the  
26               work may be provided through special assessments in the same manner as though  
27               the work had been performed under contract, provided this work amounts to no  
28               more than ~~the amount provided for construction of a public improvement under~~  
29               ~~section 48-01.2-02~~ one hundred thousand dollars; or

- 1           3. Cause the work described in the plans, specifications, and estimates to be
- 2           reviewed and reevaluated by the engineer for the district so that the board may
- 3           determine whether the entire project or only a portion of the project is feasible.