

Sixty-second
Legislative Assembly
of North Dakota

SENATE BILL NO. 2026

Introduced by

Legislative Management

(Advisory Commission on Intergovernmental Relations)

1 A BILL for an Act to create and enact section 48-01.2-02.1 of the North Dakota Century Code,
2 relating to the bidding threshold for public improvement construction; and to amend and reenact
3 subsection 4 of section 48-01.2-01 and sections 48-01.2-02, 48-01.2-04, and 48-01.2-06 of the
4 North Dakota Century Code, relating to the bidding threshold for public improvement
5 construction.

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

7 **SECTION 1. AMENDMENT.** Subsection 4 of section 48-01.2-01 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 4. "Construction" means the process of building, altering, repairing, improving, or
10 demolishing any public structure or building or other improvement to any public
11 property. The term does not include the routine operation or maintenance of existing
12 facilities, structures, buildings, or real property or demolition projects costing less than
13 ~~one hundred thousand dollars~~ the threshold established under section 48-01.2-02.1.

14 **SECTION 2. AMENDMENT.** Section 48-01.2-02 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **48-01.2-02. Plans and specifications for a public improvement contract.**

17 Except as otherwise provided in this chapter, if ~~a contract~~ the estimated cost for the
18 construction of a public improvement is ~~estimated to cost~~ in excess of ~~one hundred thousand~~
19 ~~dollars~~ the threshold established under section 48-01.2-02.1, the governing body shall procure
20 plans, drawings, and specifications for the improvement from an architect or engineer. For a
21 public building in use by or to be used by the North Dakota agricultural experiment station in
22 connection with farm or agricultural research operations, the plans, drawings, and
23 specifications, with the approval of the state board of higher education, may be prepared by an
24 engineer in the regular employment of the agricultural experiment station. For a public building

in use by or to be used by the department of transportation for the storage and housing of road materials or road machinery, equipment, and tools, the plans, drawings, and specifications may be prepared by an engineer employed by the department of transportation.

SECTION 3. Section 48-01.2-02.1 of the North Dakota Century Code is created and enacted as follows:

48-01.2-02.1. Public improvement construction threshold.

The threshold for bidding construction of a public improvement is one hundred thousand dollars. The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is one hundred thousand dollars.

SECTION 4. AMENDMENT. Section 48-01.2-04 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-04. Publication of advertisement for bids - Emergency exception.

1. Except as otherwise provided in this chapter, if the estimated cost for the construction of a public improvement is estimated to cost in excess of one hundred thousand dollarsthe threshold established under section 48-01.2-02.1, the governing body shall advertise for bids by publishing for three consecutive weeks. The first publication of the advertisement must be at least twenty-one days before the date of the opening of bids. The advertisement must be published in the official newspaper of the political subdivision in which the public improvement is or will be located, and in a trade publication of general circulation among the contractors, building manufacturers, and dealers in this state, except the advertisement for a public improvement financed by special assessments need be published only once each week for two weeks in the official newspaper with the first publication being at least fourteen days before the bid opening.
2. If a governing body declares an emergency situation, the governing body may contract for the construction of a public improvement without seeking bids.

SECTION 5. AMENDMENT. Section 48-01.2-06 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-06. Bid requirements for public improvements.

Multiple prime bids for the general, electrical, and mechanical portions of a project are required when any individual general, electrical, or mechanical contract or any combination of

1 individual contracts is in excess of ~~one hundred thousand dollar~~the threshold established
2 under section 48-01.2-02.1. If a general, mechanical, or electrical contract is estimated to be
3 less than twenty-five ~~thousand dollars~~percent of the threshold, the contract may be included in
4 one of the other prime contracts. A governing body may allow submission of a single prime bid
5 for the complete project or bids for other specialized portions of the project. A governing body
6 may not accept the single prime bid unless that bid is lower than the combined total of the
7 lowest responsible multiple bids for the project.