

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2063
(Industry and Business Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 24-02-20 of the North Dakota Century Code, relating to bid delays for construction contracts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-20 of the North Dakota Century Code is amended and reenacted as follows:

24-02-20. Bids, where opened - Requirements - Bonds or checks of three lowest bidders retained.

1. All bids must be opened at the time and place specified in the advertised request for bids. The submission of bids and bid openings may be delayed up to twenty-one days at the discretion of the department. The submission of bids and new bid opening dates must be noticed by electronic means as prescribed by the department. Each bid must be accompanied by a certified or cashier's check of the bidder on a solvent bank, in an amount equal to five percent of the bidder's bid, to be forfeited to the state highway fund should the bidder fail to effect a contract within ten days after notice of an award or by a bidder's bond in a sum equal to ten percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the principal's bid be accepted and the contract awarded to the principal, the principal, within ten days after notice of award, will execute and effect a contract in accordance with the terms of the principal's bid and a contractor's bond as required by law and the regulations and determinations of the department.
2. All bonds or checks, except those of the responsible bidders submitting the three lowest and best bids, must be returned to the bidders promptly upon opening such bids. The bond or check of the responsible bidder submitting the lowest and best bid may be cashed or retained until the contract has been awarded and executed properly. The bonds or checks of the responsible bidders submitting the second and third lowest and best bids may be returned to the bidders when the department has determined to whom the contract is to be awarded.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2063.

Senate Vote: Yeas 46 Nays 0 Absent 1

House Vote: Yeas 83 Nays 0 Absent 11

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State