

Introduced by

Senators Heitkamp, G. Lee, Traynor

Representatives Amerman, D. Johnson, Nelson

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

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

5 **SECTION 1. AMENDMENT.** Section 61-35-13 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **61-35-13. Contracts for construction or maintenance of a 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. If the cost of the  
11 construction or maintenance exceeds ~~fifty thousand dollars~~ the amount provided for  
12 construction of a public improvement under section 48-01.1-03, the lowest and best bid must be  
13 accepted. The board must comply with the requirements of sections 61-35-88 through  
14 61-35-103 when bidding a project.

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

18 **SECTION 2. AMENDMENT.** Section 61-35-88 of the North Dakota Century Code is  
19 amended and reenacted as follows:

20 **61-35-88. Call for bids - Contents - Advertising.** Proposals for the work of making  
21 improvements provided for in this chapter that exceed ~~fifty thousand dollars~~ the amount  
22 provided for construction of a public improvement under section 48-01.1-03 must be advertised  
23 for by the board in the official newspaper of the county where the district office is located once  
24 each week for two consecutive weeks. The board may cause the work on two or more

1 improvements to be combined in one advertisement and one contract awarded pursuant to that  
2 advertisement. The advertisement for bids must:

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

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

11 **SECTION 3. AMENDMENT.** Subsection 2 of section 61-35-94 of the North Dakota  
12 Century Code is amended and reenacted as follows:

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