

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1180

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "proposals" insert ", small purchases," and remove "resolving"

Page 1, line 4, replace "subsection" with "subsections 1," and after "2" insert ", and 4"

Page 2, line 16, remove "The term includes professional services"

Page 2, remove line 17

Page 2, line 23, after the fourth comma insert "services,"

Page 2, line 30, remove the overstrike over the overstruck period and replace ", except" with "Each time a purchasing agency procures professional services, the agency shall file with the office of management and budget a report describing the nature of the service procured; the process used to procure the service; and if a competitive bidding process or a competitive proposal process was not used, an explanation for the deviation from either process. The report must be filed with the office of management and budget within thirty days of the securing of the professional services."

Page 2, remove line 31

Page 3, remove lines 1 and 2

Page 3, line 15, after the first "commodities" insert "and services", after the second "items" insert "those", and after the second "commodities" insert "and services"

Page 3, line 28, replace the second "and" with "or"

Page 4, line 21, overstrike "The office of"

Page 4, line 22, overstrike "management and budget" and replace "or purchasing agency" with "The procurement officer"

Page 7, after line 17, insert:

"**SECTION 6.** A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Small purchases.

1. Any procurement not exceeding the amount established by written directive of the office of management and budget or by the state board of higher

education pursuant to subsection 5 of section 15-10-17 may be made in accordance with small purchase procedures.

2. Small purchases need not be made through competitive sealed bidding or competitive sealed proposals. However, small purchases must be made with competition that is practicable under the circumstances.
3. Procurement requirements may not be artificially divided as to constitute a small purchase under this section."

Page 7, line 24, replace "of the office of" with "responsible for the contract or solicitation"

Page 7, line 25, remove "management and budget or the purchasing agency"

Page 8, line 11, replace "Subsection 2" with "Subsections 1, 2, and 4"

Page 8, line 12, replace "is" with "are"

Page 8, after line 12, insert:

- "1. The office of management and budget shall establish and maintain current lists of persons that desire to provide commodities and services to the state. Every person or business entity that desires to bid or submit a proposal on contracts for commodities and services awarded under this chapter must be an approved vendor in order to receive a request for bids or proposals. Unless waived by the director of the office of management and budget, or the director's designee, a bid or proposal may not be considered under this section from any vendor that is not approved be placed on the bidders list. The office of management and budget or the purchasing agency shall use the list when issuing invitation for bids or request for proposals over the amount established for small purchases, except as otherwise provided in this section."

Page 8, after line 29, insert:

- "4. The director of the office of management and budget, or the director's designee, procurement officer may waive the requirements for registration with the secretary of state as provided in this section and authorize receipt of a bid or proposal from a vendor that unqualifiedly refuses to register as provided in this section if the director or the director's designee is not on the list of approved vendors if the procurement officer makes a written determination that:
 - a. A commodity is so unique and possesses such specific characteristics essential to the government program in question that it is available only from one source and not through wholesalers or retailers;
 - b. An emergency as defined in subsection 7 of section 54-44.4-02 exists; or
 - c. The commodity to be purchased is a one-time purchase for which at least two approved vendors are not available and the director of the office of management and budget, or the director's designee, determines consideration of bids or proposals from unregistered vendors is in the best interest of the state it is in the best interest of the state to receive the bid or proposal. The successful bidder or

offeror must become approved before the award and the existence of this approval requirement must be stated in the solicitation. If an unapproved vendor is selected for award, the vendor's bid or proposal may be rejected if that vendor fails to become approved within sixty days or within a shorter period as specified in writing by the procurement officer. The procurement officer may waive approval requirement if the procurement officer determines that registration with the secretary of state and appointment of an agent for service of process in this state are not required. In the event of a tie bid or proposal, the ~~registered~~ approved vendor must be given preference."

Renumber accordingly