

Fifty-ninth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1218

Introduced by

Representative Keiser

1 A BILL for an Act to amend and reenact section 24-02-07.3 of the North Dakota Century Code,  
2 relating to the hiring of prequalified consultants by the department of transportation.

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

4 **SECTION 1. AMENDMENT.** Section 24-02-07.3 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **24-02-07.3. Prequalification, selection, and contracting for consultants -**

7 **Solicitations.**

8 1. The director may prequalify, select, and contract for consultants in the area of  
9 engineering, land surveying, architecture, traffic safety, business administration,  
10 and related matters. The prequalification of the consultant must be based on  
11 detailed information regarding firm organization, qualifications of personnel, type of  
12 work the firm is qualified to perform, previous work experience, and financial status  
13 and must be provided to the director in a form approved by the director. If a  
14 consultant meets the criteria set by the director, the director shall prequalify the  
15 consultant, noting any limitations as to the type or amount of the work the  
16 consultant may perform. When a consultant is prequalified, the consultant is  
17 entitled to receive requests for proposals, proposals, and other solicitations for  
18 work in the areas in which the consultant is prequalified without any other  
19 screening or qualification process. The period of prequalification may not exceed  
20 three years. The qualifications of the consultant for a specific project must be  
21 determined according to the criteria in subsection 5 of section 54-44.7-03. The  
22 director shall publish a prequalification solicitation at least once each year and  
23 need not comply with the provision in subdivision c of subsection 2 of section  
24 54-44.7-03 requiring the publication of an invitation for a specific project. The

- 1 selection and contract negotiation must be performed according to subsections 6  
2 and 7 of section 54-44.7-03.
- 3 2. The director is not required to comply with subsection 3 of section 54-44.7-03 or  
4 54-44.7-04 and may procure the services of consultants for:
- 5 a. Projects with consultant costs estimated to be not more than twenty-five  
6 thousand dollars through direct negotiation with a selected prequalified firm,  
7 after considering the nature of the project; the proximity of the architect,  
8 engineer, construction management, or land surveying services to the project;  
9 the capability of the architect, engineer, construction manager, or land  
10 surveyor to produce the required services within a reasonable time; past  
11 performance; and the ability to meet project budget requirements. Fees paid  
12 pursuant to this subdivision during the twelve months immediately preceding  
13 negotiation of the contract by the department of transportation for professional  
14 services performed by any one architectural, engineering, or land surveying  
15 individual or firm may not exceed fifty thousand dollars. A person seeking to  
16 render professional services under this section shall furnish the department a  
17 list of professional services previously provided to the department, including  
18 the fees paid during the twelve months immediately preceding the contract  
19 being negotiated.
- 20 b. Projects with consultant costs estimated to be greater than twenty-five  
21 thousand dollars but not more than one hundred thousand dollars by notifying  
22 all prequalified firms in the specific area of need, allowing a minimum of  
23 seven calendar days to respond, and following the remaining process in  
24 subsections 4 through 7 of section 54-44.7-03.
- 25 c. Projects with consultant costs estimated to be greater than one hundred  
26 thousand dollars by notifying all prequalified firms, allowing a minimum of  
27 twenty-one calendar days to respond, and following the remaining process in  
28 subsections 4 through 7 of section 54-44.7-03.