

SENATE BILL NO. 2265

Introduced by

Senators Krebsbach, Burckhard, Mathern

Representatives Bellew, Ruby, Thoreson

1 A BILL for an Act to create and enact ~~atwo~~ new ~~section~~sections to chapter 25-16.2 of the North
2 Dakota Century Code, relating to a statement of purpose and work activity center contracts; and
3 to amend and reenact sections 25-16.2-01 and 25-16.2-03, subsection 1 of section 54-44.4-05,
4 and subdivision e of subsection 2 of section 54-44.4-05 of the North Dakota Century Code,
5 relating to work activity centers and procurement of services by state agencies.

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

7 **SECTION 1.** A new section to chapter 25-16.2 of the North Dakota Century Code is created
8 and enacted as follows:

9 **Purpose.**

10 It is in the public interest to advance employment opportunities to individuals with disabilities
11 so that those individuals may acquire job skills and training and gain greater independence and
12 quality of life. This state is committed to promoting self-sufficiency, integrating individuals with
13 disabilities into our communities, and maximizing the earning potential of individuals with
14 disabilities.

15 **SECTION 2. AMENDMENT.** Section 25-16.2-01 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **25-16.2-01. Work activity center - Definition.**

18 As used in this chapter "work activity center" means a facility, licensed by the department of
19 human services, which is located in the state and operated by a nonprofit corporation organized
20 for the primary purpose of employing and providing rehabilitative activities for ~~physically~~
21 ~~handicapped, developmentally disabled, and chronically mentally ill persons~~individuals with
22 physical disabilities, developmental disabilities, or chronic mental illnesses.

23 **SECTION 3. AMENDMENT.** Section 25-16.2-03 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **25-16.2-03. Contract requirement.**

2 Any contract awarded pursuant to this chapter must be in writing and must be made
3 available by the purchasing party to any person upon request. The contract must include the
4 purchase price, the quantity of ~~product~~commodity or service purchased, and the time period for
5 which the ~~product~~commodity or service will be provided.

6 **SECTION 4.** A new section to chapter 25-16.2 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Direct purchase from work activity centers.**

9 If acceptable commodities or services are produced or provided by a work activity center at
10 fair market price, any state entity or political subdivision may enter a contract to purchase
11 directly from the work activity center without obtaining competition.

12 **SECTION 5. AMENDMENT.** Subsection 1 of section 54-44.4-05 of the North Dakota
13 Century Code is amended and reenacted as follows:

14 1. Except as otherwise provided in ~~sections~~section 44-08-01 ~~and 25-16.2-02~~, chapter
15 25-16.2, and ~~in~~ this chapter, purchasing contracts must be awarded through a
16 competitive bidding process to the lowest responsible bidder considering conformity
17 with specifications, terms of delivery, and quality and serviceability, unless it is
18 determined to be advantageous to the state to select a contractor through a
19 competitive proposal process using other or additional criteria. The procurement
20 officer may reject any or all bids or negotiate for a lower price with a successful bidder.
21 Each bid received, with the name of the bidder, must be recorded. The office of
22 management and budget may enter into term contracts for the acquisition of
23 commodities or services and may make multiple awards for term commodity or service
24 contracts when it deems a multiple award to be in the best interests of the state. All
25 bids received under this chapter pursuant to a competitive sealed bid are exempt
26 records under subsection 5 of section 44-04-17.1 until the date and time the bids are
27 opened.

28 **SECTION 6. AMENDMENT.** Subdivision e of subsection 2 of section 54-44.4-05 of the
29 North Dakota Century Code is amended and reenacted as follows:

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- 1 e. Acceptable commodities or services are produced or provided by correctional
- 2 institutions or other government agencies or a work activity center as defined in
- 3 section 25-16.2-01.