

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2233

Introduced by

Senators Dever, O'Connell

Representatives Rick C. Becker, Dockter, Meier

1 A BILL for an Act to amend and reenact section 48-01.2-22 of the North Dakota Century Code,
2 relating to the public opening of subcontractor bids; and to provide for a legislative management
3 study ~~of public improvement issues relating to use of multiple bids versus single prime bids,~~
4 ~~bidding thresholds, design services thresholds, and indemnification.~~

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

6 **SECTION 1. AMENDMENT.** Section 48-01.2-22 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **48-01.2-22. Subcontractor bids.**

- 9 1. An agency construction manager selected for a public improvement shall publicly
10 advertise ~~publicly~~ and receive open bids from subcontractors for the work items
11 necessary to complete the general construction portions of the improvement. The
12 governing body may influence the selection of the subcontractors, but only insofar as
13 the governing body's past experience with a subcontractor or a current legal dispute
14 with a subcontractor.
- 15 2. A construction manager at-risk selected for a public improvement shall publicly
16 advertise ~~publicly~~ and receive open bids from subcontractors for the work items the
17 construction manager at-risk chooses not to perform. The governing body may
18 influence the selection of the subcontractors, but only insofar as the governing body's
19 past experience with a subcontractor or a current legal dispute with a subcontractor.

20 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the
21 legislative management shall consider studying public improvement issues relating to use of
22 multiple bids versus single prime bids, bidding thresholds, design services thresholds, and
23 indemnification. The legislative management shall report its findings and recommendations,

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- 1 together with any legislation required to implement the recommendations, to the sixty-fifth
- 2 legislative assembly.