

PROPOSED AMENDMENTS TO SENATE BILL NO. 2162

Page 1, after line 6, replace the remainder of the bill with:

SECTION 1. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Elected officials - Bidder - Communication.

~~Notwithstanding any other provision of law, the~~ The office of management and budget shall develop guidelines for a person interested in conducting business with the state of North Dakota. These guidelines shall address communications between interested persons and purchasing agencies before, during, and after the procurement process. may not restrict communication between a Procurements conducted by the office of management and budget or a purchasing agency shall have a procurement officer who serves as the point of contact for all correspondence related to that procurement. A person that is interested in submitting a bid or proposal or whom has submitted a bid or proposal to provide commodities or services to the state in response to an active procurement should ensure all communications related to the procurement are only with the designated point of contact. This section does not restrict an interested person's communication with and any state official-officials or any member-members of the legislative assembly unless they are directly involved with the procurement for which the person is interested or has submitted a bid or proposal. This section does not apply to communication with a state official directly involved with a bid under consideration.

SECTION 2. AMENDMENT. Subsection 7 of section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

7. Emergency purchases the office of management and budget or a purchasing agency cannot make within the required time and ~~which~~ that involve public health or public safety, or when immediate expenditures are necessary for

repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.

a. Emergency purchases made under this subsection must ~~be~~ treat all bidders fairly and promote such (1) ~~Be~~ made with the level of competition as is practicable under the circumstances, ~~and a,~~

~~(2)~~b. The procurement file must contain:

~~(1) Include a~~ written determination of the basis for the emergency; and
for

~~(32) Include a~~ written explanation ~~determination of the basis for the selection of the particular contractor which must be included retained in the contract file.~~

~~b.c.~~ If the emergency circumstances dictate a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that necessitated the noncompetitive purchase.

d. If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency must ensure that procurement procedures and documentation are adequate to satisfy requirements for the federal reimbursement.

e. If time allows, ~~Emergency bids~~ emergency purchases for commodities under this subsection ~~must~~ may ~~include~~ require a sample of the commodity to be purchased, and a bidder may not change the bid proposal for forty-eight hours after submission for use in determining whether an offered product meets specifications.

SECTION 3. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Purchases - Payment - Commodity.

The purchasing agency shall pay the and vendor may negotiate payment terms for all commodities within thirty days of receipt of an invoice and services procured. If no date for payment is specified by contract, payment shall be made pursuant to section 13-01.1-01.

SECTION 4. Subsection 3 of section 54-44.4-14 of the North Dakota Century Code is created and enacted as follows:

3. The office of management and budget shall establish and maintain a standardized bid procedure for the submission of electronic bids and proposals through the procurement information website. The office of management and budget, in consultation with the office of attorney general, shall develop standardized solicitation documents. These standardized solicitation documents shall be made available on the procurement information website. When drafting a solicitation, the office of management and budget and purchasing agencies shall use their best efforts to procedure must minimize the length of a the solicitation for bid and include by ensuring only the those sections from the standardized solicitation documents applicable unique specifications related to the commodity or service sought procurement are included.

Renumber accordingly