

HOUSE BILL NO. 1127

Introduced by

Representatives Roers Jones, Mock, Murphy, Pyle, Stemen

Senators Sickler, Sorvaag

1 A BILL for an Act to amend and reenact subsection 1 of section 24-05-04, section 24-08-01, and
2 subsection 2 of section 24-08-03 of the North Dakota Century Code, relating to county
3 highways and bridges; and to repeal section 24-08-09 of the North Dakota Century Code,
4 relating to cost limitations for a county bridge.

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

6 **SECTION 1. AMENDMENT.** Subsection 1 of section 24-05-04 of the North Dakota Century
7 Code is amended and reenacted as follows:

8 1. If a contract for a highway improvement exceeds ~~one~~two hundred thousand dollars,
9 the board of county commissioners shall seek bids by publishing an advertisement at
10 least once each week for two consecutive weeks in the official newspaper of the
11 county and in other newspapers as the board deems advisable. The first publication
12 must be made at least fifteen days before the day set for the opening of the bids. For
13 any contract for a highway improvement that exceeds fifty thousand dollars but does
14 not exceed ~~one~~two hundred thousand dollars, the county, when possible, shall seek
15 quotes from at least two contractors. If a road is destroyed by a flood or other casualty
16 and the public interest would suffer by the delay from advertising for bids and awaiting
17 the contract, the county commissioners may promptly contract for the rebuilding or
18 repair of the road without advertising for bids, regardless of the cost.

19 **SECTION 2. AMENDMENT.** Section 24-08-01 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **24-08-01. Construction of bridges by board of county commissioners -~~Petition~~ - Bids**
22 **- Rejection.**

23 ~~Whenever a majority of the freeholders of a civil township, or a majority of the freeholders~~
24 ~~living within a radius of three miles [4.83 kilometers] of the proposed location, petition~~If the

1 board of county commissioners ~~for~~approves the construction of a bridge at a specified location-
2 ~~within such township, or within any incorporated city, if the cost of the bridge exceeds the sum-~~
3 ~~of five hundred dollars, the board of county commissioners shall view and investigate the-~~
4 ~~necessity of the proposed bridge. If the board approves the petition, it, the county shall proceed~~
5 ~~to advertise by publication at least once each week, for two successive weeks, in the official~~
6 ~~newspaper of the county, for a period of thirty days, the plans and specifications of the proposed~~
7 ~~bridge, asking for sealed bids for the building of such~~construction of the bridge, to be submitted
8 ~~to it at~~the board of county commissioners the next regular or special meeting of the board, at
9 ~~which time~~ the board shall proceed to examine all proposals or bids ~~for the building of such-~~
10 ~~bridge. The first publication for bids must be made at least fifteen days before the meeting of~~
11 ~~the board to examine the proposals or bids. The~~Upon the receipt of satisfactory bids, the board
12 shall award the contract to the lowest responsible bidder, requiring the bidder to give a bond in
13 a sum not less than the amount stipulated in the bid or contract, conditioned for the faithful
14 compliance with the terms of the bid or contract, the bond to be approved by the board and filed
15 in the office of the county auditor ~~but, if no satisfactory bids are received,~~ the board may reject
16 all bids. If all bids are rejected, the board shall readvertise ~~as provided herein for bids in~~
17 ~~accordance with this section. Provided, however, that if~~if the amount of the lowest responsible
18 bid is less than fifteen thousand dollars, the board may refuse all bids received and proceed to
19 construct the bridge under its own supervision as it deems most expedient and may enter into
20 contracts for the labor or material to be used in the construction of the bridge.

21 **SECTION 3. AMENDMENT.** Subsection 2 of section 24-08-03 of the North Dakota Century
22 Code is amended and reenacted as follows:

23 2. If the cost of rebuilding or repairing a bridge would exceed ~~thirtytwo~~two hundred thousand
24 dollars on estimate of the county engineer and upon the approval of the estimate by
25 the department, the county commissioners shall advertise for bids and award the
26 contract pursuant to section 24-08-01. For any contract for a bridge improvement that
27 exceeds fifty thousand dollars but does not exceed two hundred thousand dollars, the
28 county, when possible, shall seek quotes from at least two contractors. If a bridge is
29 destroyed by a flood, fire, or other casualty and the public interest would suffer by the
30 delay from advertising for bids and awaiting the contract pursuant to section 24-08-01,

1 the county commissioners may promptly contract for the rebuilding or repair of the
2 bridge without advertising for bids, regardless of the cost.

3 **SECTION 4. REPEAL.** Section 24-08-09 of the North Dakota Century Code is repealed.