

Introduced by

Energy and Natural Resources Committee

(At the request of the Department of Water Resources)

1 A BILL for an Act to amend and reenact section 48-01.2-05 of the North Dakota Century Code,
2 relating to contents of advertisement for public improvement projects.

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

4 **SECTION 1. AMENDMENT.** Section 48-01.2-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **48-01.2-05. Contents of advertisement.**

7 The advertisement for bids required by section 48-01.2-04 must state:

- 8 1. The nature of the work and the type and location of the proposed public improvement.
- 9 2. When and where the plans, drawings, and specifications may be seen and examined.
- 10 3. The place, date, and time the bids will be opened.
- 11 4. That each bid must be accompanied by a separate envelope containing the
12 contractor's license and bid security. The bid security must be in a sum equal to five
13 percent of the full amount of the bid and must be in the form of a bidder's bond. A
14 bidder's bond must be executed by the bidder as principal and by a surety, conditioned
15 that if the principal's bid is accepted and the contract awarded to the principal, the
16 principal, within ten days after notice of the award, shall execute a contract in
17 accordance with the terms of the bid and the bid bond and any condition of the
18 governing body. A countersignature of a bid bond is not required under this section. If
19 a successful bidder does not execute a contract within the ten days allowed, the
20 bidder's bond must be forfeited to the governing body and the project awarded to the
21 next lowest responsible bidder.
- 22 5. That a bidder, ~~except a bidder on a municipal, rural, and industrial water supply project~~
23 ~~using funds provided under Public Law No. 99-294 [100 Stat. 426; 43 U.S.C. 390a],~~
24 must be licensed for the full amount of the bid as required by section 43-07-12. ~~For~~

- 1 ~~projects using funds provided under Public Law No. 99-294 [100 Stat. 426; 43 U.S.C.~~
2 ~~390a], the advertisement must state that, unless a bidder obtains a contractor's~~
3 ~~license for the full amount of its bid within twenty days after it is determined the bidder~~
4 ~~is the lowest responsible bidder, the bid must be rejected and the contract awarded to~~
5 ~~the next lowest responsible bidder.~~
- 6 6. That no bid may be read or considered if the bid does not fully comply with the
7 requirements of this section and that any deficient bid submitted must be resealed and
8 returned to the bidder immediately.
- 9 7. That the governing body reserves the right to reject any and all bids and rebid the
10 project until a satisfactory bid is received.