

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2063

Introduced by

Industry and Business Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 24-02-20 of the North Dakota Century Code,
2 relating to bid delays for construction contracts.

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

4 **SECTION 1. AMENDMENT.** Section 24-02-20 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-02-20. Bids, where opened - Requirements - Bonds or checks of three lowest**
7 **bidders retained.**

8 1. All bids must be opened at the time and place specified in the advertised request for
9 bids. ~~Bid opening~~The submission of bids and ~~resubmission~~bid openings may be
10 delayed up to twenty-one days at the discretion of the department. The submission of
11 bids and new bid opening and resubmission date willdates must be noticed by
12 electronic means as prescribed by the department. Each bid must be accompanied by
13 a certified or cashier's check of the bidder on a solvent bank, in an amount equal to
14 five percent of the bidder's bid, to be forfeited to the state highway fund should the
15 bidder fail to effect a contract within ten days after notice of an award or by a bidder's
16 bond in a sum equal to ten percent of the full amount of the bid, executed by the
17 bidder as principal and by a surety company authorized to do business in this state,
18 conditioned that if the principal's bid be accepted and the contract awarded to the
19 principal, the principal, within ten days after notice of award, will execute and effect a

1 contract in accordance with the terms of the principal's bid and a contractor's bond as
2 required by law and the regulations and determinations of the department.
3 2. All bonds or checks, except those of the responsible bidders submitting the three
4 lowest and best bids, must be returned to the bidders promptly upon opening such
5 bids. The bond or check of the responsible bidder submitting the lowest and best bid
6 may be cashed or retained until the contract has been awarded and executed
7 properly. The bonds or checks of the responsible bidders submitting the second and
8 third lowest and best bids may be returned to the bidders when the department has
9 determined to whom the contract is to be awarded.