

Testimony of Cole Higlin
North Dakota Recreation & Park Association
To House Government and Veterans Affairs Committee
In Opposition to HB 1028
Thursday, January 30, 2025

Chairman Schauer and members of the Committee, my name is Cole Higlin, and I am the public policy chair of the North Dakota Recreation & Park Association (NDRPA). We represent more than 900 members, primarily park districts, and work to advance parks, recreation and conservation for an enhanced quality of life in North Dakota.

We oppose the following changes to HB 1028:

Section 2: Identify fees on bid form and submit them to office of management.

Why should we have to share fees with OMB to proceed with a construction project at the local level? We are required to do an RFP for qualifications and select the construction manager at risk based on experience on our projects and not on price currently. I must get approval from our Park Board of Commissioners with a summary of proposals while making a recommendation for the Park Board to approve. As required by NDCC, fees are public information and if requested, we would have to share that fee.

Section 4: Awarding subcontractor bids to lowest responsible bidder.

Item 1: This change makes it difficult because we could have a minimal difference in bid and the low bidder may lack experience. If you were remodeling your home and a contractor has never done a remodeling project before, but his bid was slightly less compared to a seasoned contractor. Wouldn't you want some flexibility to do your research/reference check and decide as to what is in your best interest? Especially using tax dollars for a project?

For example: I had a difference of \$25,000 on a roofing contractor bid, a company from Minnesota on paper was the low bid. The local contractor could start right away, while the out of state contractor stated that he wasn't sure when he could start. Then we have the most important issue is warranty work. It's very difficult to get out of state contractors back to fulfill their warranty obligations. This amendment will lead to low bids being from out of state. Please understand if the difference in the bid is substantially lower, we will due our diligence and make accurate and appropriate decisions. If this amendment passes, you make the decision for us.

Item 2: The best park for construction manager at risk is the ability to self-perform and keep our project on schedule. They currently have to submit a bid for any self-performing work like all subcontractors. The owner can decide which subcontractor to accept. I have seen situations where the subcontractor was lower than the construction manager at risk bid, and it was recommended to accept their bid.

In conclusion, we respectfully urge the committee to oppose HB 1025.

