

PUBLIC BUILDINGS

CHAPTER 454

SENATE BILL NO. 2121

(Christensen, Litten, Sorlie)

(From Legislative Audit and Fiscal Review Committee Study)

PREREQUISITES TO BUILDING OR REPAIRING PUBLIC BUILDINGS

AN ACT to amend and reenact sections 48-02-02 and 48-02-03 of the North Dakota Century Code, relating to the prerequisite to building or repair of public buildings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 48-02-02 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-02. PREREQUISITE TO BUILDING AND REPAIR BY CONTRACT - EXCEPTIONS.) In altering, repairing, or constructing any building belonging or appertaining to any of the public institutions of the state, or to any county, city, park district, school district, or other political subdivision of the state, or in making any improvements connected therewith or pertaining thereto, or in doing any work thereon, the estimated cost of which amounts to more than twenty-five thousand dollars, the governing body of such public institution, or of such municipality or political subdivision, shall procure such plans, drawings, and specifications thereof, upon competitive bids or otherwise as such board may deem necessary. In all cases where the estimated cost of such work exceeds twenty-five thousand dollars, such plans, drawings, and specifications shall be procured from a licensed architect, provided that any state agency or institution contemplating doing any work amounting to more than five thousand dollars without such plans, drawings, and specifications, shall first obtain the approval of the state superintendent of construction, and that, in the case of public buildings in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, such plans, drawings, and specifications may, with the approval of the board of higher education, be procured from a registered professional engineer, providing such engineer is in the regular employment of the agricultural experiment station. Any type or class of engineering or electrical modifications in any state building must be done by or under the supervision of a licensed engineer or electrician if so directed by the state superintendent of construction.

SECTION 2. AMENDMENT.) Section 48-02-03 of the North

Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-03. METHOD USED IN SECURING BIDS.) The governing board shall advertise for bids for the doing of the work for which plans, drawings, and specifications are required by section 48-02-02. Such advertisement shall be published for three successive weeks, the first publication thereof to be at least twenty-one days prior to the date of the opening of bids thereunder. Such advertisement shall be published in the official newspaper of such municipality or political subdivision, and if it has no official newspaper, then in the official newspaper of the county in which such building is located, and also in some trade publication of general circulation among the contractors, building manufacturers, and dealers of this state. Alterations or improvements may be accomplished by a state department or institution on competitive bids or on a time and material basis or by institutional personnel if the total cost of any one project does not exceed the sum of twenty-five thousand dollars, but if the cost exceeds five thousand dollars, prior approval shall be obtained from the state superintendent of construction. In instances where a contractor is performing work on a time and material basis, all materials and all labor supplied by such contractor must be obtained by competitive estimates from qualified suppliers for projects.

Approved March 3, 1971

CHAPTER 455

SENATE BILL NO. 2357
(Lips, Sanstead)

ADVERTISEMENTS FOR BIDS
ON PUBLIC BUILDINGS

AN ACT to amend and reenact subsection 4 of section 48-02-04 of the North Dakota Century Code, relating to contents of advertisement for bids on public buildings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 48-02-04 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Each bid shall be accompanied by a bidder's bond in a sum equal to five per cent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the principal's bid be accepted and the contract awarded to him, he, within ten days after notice of award, will execute and effect a contract in accordance with the terms of his bid and a contractor's bond as required by law and the regulations and determinations of the governing board;

Approved March 3, 1971

CHAPTER 456

SENATE BILL NO. 2360
(Forkner, Butler)

PAYMENT OF ESTIMATES ON
PUBLIC BUILDING CONSTRUCTION

AN ACT to amend and reenact section 48-02-07 and 48-02-08 of the North Dakota Century Code, relating to allowance and payment of estimates on public building construction, failure to certify and rate of interest.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 48-02-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-07. ALLOWANCE AND PAYMENT OF ESTIMATES.) At least once in each calendar month during the continuance of work upon any public building or erection begun and carried on under the provisions of this chapter, the governing board, or a committee thereof duly authorized by the board for that purpose, shall meet and receive and consider estimates furnished by the supervising architect or the superintendent of construction of such building or erection, and shall allow such estimates in an amount of the estimated value of the labor and material furnished upon such contract, and of the material then upon the ground for use in the construction thereof, subject to retentions as follows: ten percent of each estimate presented until such time as the project is fifty percent completed, with no further retainage on estimates during the continuance of the contract. The governing board may however, upon completion of ninety-five percent of the contract according to the estimates, pay to the contractor ninety-five percent of the amount retained from previous estimates. The remaining amount retained shall be paid to the contractor in such amounts and at such times as are approved by the supervising architect or superintendent of construction, with final payment of all moneys due to the contractor to be made immediately following completion and acceptance of the project. If no supervising architect and no superintendent of construction is employed upon such contract, the contractor, at the end of each calendar month during the continuance of work under any such contract, may furnish to such board or public body in charge of such work like estimates which shall be allowed in like manner. Said board or committee thereof, immediately after considering and allowing any such estimate, shall certify and forward the same to the state auditor, county auditor, city auditor, or other official having the power

to draw warrants, who forthwith shall draw his warrant upon the proper fund and transmit the same promptly to the contractor entitled thereto.

SECTION 2. AMENDMENT.) Section 48-02-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-08. ESTIMATE - FAILURE TO CERTIFY - RATE OF INTEREST.) In case the board or committee mentioned in section 48-02-07 shall fail or neglect to certify any estimate allowed or final payment upon completion and acceptance, or the proper official shall neglect or fail to issue a warrant as provided in section 48-02-07, for a period of more than thirty days from the date of such estimate or completion date, then said estimate or final payment shall draw interest from its date at the rate of six percent per annum until the issuance of a proper warrant therefor. Such interest shall be computed and added to the face of said estimate or final payment by the officer required to issue such warrant, shall be included in the warrant when drawn, and shall be charged to the fund upon which payment for the contract is to be made. No payment for, or on account of, any contract made under the provisions of this chapter shall be made except upon estimate of the supervising architect or superintendent of construction or contractor as provided in section 48-02-07.

Approved March 4, 1971

CHAPTER 457

HOUSE BILL NO. 1038
(Reimers, Tweten)
(From Legislative Council Study)

USE OF NATIVE FUEL
AT PUBLIC INSTITUTIONS

AN ACT to repeal sections 48-05-02 and 48-05-04 of the North Dakota Century Code, relating to the use of native fuel by public institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Sections 48-05-02 and 48-05-04
of the North Dakota Century Code are hereby repealed.

Approved March 22, 1971