

PUBLIC BUILDINGS

CHAPTER 562

SENATE BILL NO. 2418
(Senators Wogsland, Schoenwald, Keller)
(Representative Kingsbury)

BUILDING AND REPAIR BIDS

AN ACT to create and enact a new section to chapter 48-02 of the North Dakota Century Code, relating to bid requirements and acceptance for building and repair contracts; and to amend and reenact sections 48-02-04 and 48-02-06 of the North Dakota Century Code, relating to the contents of bid advertisements and awarding contracts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 48-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Bid requirements and acceptance. Competitive bids for the work for which plans, drawings, and specifications are required by section 48-02-02 may be submitted as bids for the single project; individual bids for general, electrical, and mechanical contracts; or bids for other portions of the project. The governing board may not accept the single project bid unless that bid is lower than the combined total of the lowest bids for general, electrical, and mechanical contracts.

* SECTION 2. AMENDMENT. Section 48-02-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-04. Contents of advertisement. The advertisement for bids required by section 48-02-03 ~~shall~~ must state:

1. When and where the plans, drawings, and specifications therefor may be seen and examined;
2. The place where, and the day and hour when, the bids will be opened;
3. That the right of the board to reject any and all bids is reserved;
4. That the bids may be submitted as bids for the single project; individual bids for general, electrical, and mechanical contracts; or bids for other portions of the project.
5. Each That each bid shall ~~shall~~ must be accompanied by a separate envelope containing a bidder's bond in a sum equal to five percent 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~~ the principal, the principal, within ten days after notice of award, will execute and effect a contract

* NOTE: Section 48-02-04 was also amended by section 2 of Senate Bill No. 2087, chapter 508.

in accordance with the terms of ~~his~~ the principal's bid and a contractor's bond as required by law and the regulations and determinations of the governing board;

- 5- ~~6.~~ All ~~That all~~ bidders must be licensed for the highest amount of their bids, as provided by section 43-07-05; and
- 6- ~~7.~~ No ~~That no~~ bid will be read or considered which does not fully comply with the above provisions as to bond and licenses, and any deficient bid submitted will be resealed and returned to the bidder immediately.

SECTION 3. AMENDMENT. Section 48-02-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-06. Opening bids - Award of contract - Bond required. At the time and place specified in the notice, the governing board shall open publicly and read aloud all bids received, and may reject all bids or award the contract, subject to section 1 of this Act, to the lowest and best bidder. The governing body concerned shall require of the contractor to whom the contract is awarded a bond complying with chapter 48-01. ~~Such~~ The board ~~shall have the power to may~~ reject any and all bids and may advertise anew in accordance ~~herewith~~ with this chapter until a satisfactory bid is received.

Approved April 12, 1989
Filed April 13, 1989

CHAPTER 563

HOUSE BILL NO. 1228
(Ulmer)

HIGHER EDUCATION HANDICAPPED ACCESS

AN ACT to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to access by the handicapped to institutions of higher education; to provide an appropriation; and to provide legislative intent regarding the funding of handicapped access projects in future bienniums.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-02-19 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-02-19. Public buildings and facilities to be usable by physically handicapped - Access requirements. All public buildings and facilities constructed, in whole or in part, from funds of the state or of its political subdivisions ~~shall~~ must be accessible to, and usable by, the physically handicapped in accordance with the provisions of this section by July 1, 1981, with the following exceptions: (1) institutions under the supervision and control of the board of higher education; ~~provided, however, that at least two institutions of higher education shall must be so~~ constructed or remodeled so as to make all programs offered therein accessible as required in this section by July 1, 1996; and (2) areas, offices, or levels of public buildings not used for activities open to members of the general public. In meeting the requirements of this section full consideration shall be given to the rules and regulations recommended in and provided by the American standard specifications (A117.1-1961) approved October 31, 1961, by the American standards association, and future amendments thereto. Governing bodies of political subdivisions shall require a statement from the person or persons preparing the plans and specifications for the building or facility that the plans and specifications are in conformance with the provisions of this section. Adequate space for the physically handicapped to park automobiles near the facility without the necessity of crossing a street to reach the facility shall be provided. All parking spaces reserved for use by motor vehicles operated by or for physically handicapped persons shall be designated by blue paint on the curb or edge of the paved portion of the parking space. All city curbs and crosswalks at principal intersections in the vicinity of public buildings shall be made usable to persons in wheelchairs.

* SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,600,000, or so much thereof as may be necessary, to the North Dakota state board of higher education for completion of selected handicapped access projects at the institutions of higher education for the biennium beginning July 1, 1989, and ending June 30, 1991.

* NOTE: Section 2 was vetoed by the Governor, see chapter 777.

SECTION 3. LEGISLATIVE INTENT - FUTURE FUNDING OF HANDICAPPED ACCESS PROJECTS. It is the intent of the legislative assembly that the funding provided in section 2 of this Act be the first phase of a total of \$4,692,550 to be provided for handicapped access projects at the institutions of higher education and that only projects which can be completed within the appropriated amount be undertaken during the biennium. In addition, it is the intent of the legislative assembly that the institutions of higher education and the executive budget office request funds in subsequent biennial budgets sufficient to complete the remaining handicapped access projects by July 1, 1996.

Approved April 11, 1989
Filed April 17, 1989

CHAPTER 564

SENATE BILL NO. 2065
(Legislative Council)
(Interim Legislative Procedure and Arrangements Committee)

LEGISLATIVE ROOMS AND HALLS USE

AN ACT to amend and reenact section 48-08-04 of the North Dakota Century Code, relating to space used by the legislative assembly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-08-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-08-04. Limitation on lease to federal and other agencies use of legislative assembly rooms and halls. The During the interim between legislative sessions, the committee rooms, halls, passageways, and other space in the capitol used by the legislative assembly shall may not be used or leased to any federal agency or other department of the state government except in case of extreme emergency without authorization of the legislative council, or its designee.

Approved March 9, 1989
Filed March 9, 1989

CHAPTER 565

SENATE BILL NO. 2104
(Committee on State and Federal Government)
(At the request of the Director of Institutions)

PUBLIC PROPERTY CONCESSIONS BIDS

AN ACT to amend and reenact section 48-09-02 of the North Dakota Century Code, relating to the advertising of concessions on public grounds and buildings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-09-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

48-09-02. Concession advertised in legal newspaper. When the concession granted pursuant to section 48-09-01 is deemed worth more than ~~one~~ five hundred dollars, the same shall be let to the highest bidder or best bidder, or both after the advertisement for bids therefor once in each week for three consecutive weeks in a legal newspaper published in the city at or near which such concession is located.

Approved March 9, 1989
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