CHAPTER 37-10
ARMORIES

37-10-01. Adjutant general to provide national guard facilities for units.

The adjutant general shall provide adequate facilities for each unit of the North Dakota national guard. All national guard facilities are under the exclusive control of the adjutant general or any officer designated by the adjutant general.

37-10-02. Board of armory supervisors - Appointment - Meetings.

Repealed by S.L. 1971, ch. 343, § 8.

37-10-03. Adjutant general to supervise national guard facilities.

The adjutant general shall fix for each unit of the national guard, within the limits of legislative appropriations, the maintenance and rent allowance to be paid by this state, shall provide for the acquisition and maintenance of national guard facilities, and may lease property for national guard facilities, but no lease may exceed fifty years.

37-10-03.1. Sale of portions of Fraine Barracks.

Repealed by S.L. 1991, ch. 379, § 2.

37-10-03.2. Exchange, sale, and lease of military lands.

The adjutant general may exchange with or sell to any person lands owned by the state and used for military purposes, and may purchase, within funds available, parcels of land necessary for the construction of armories or the expansion of present military installations in the state. Sales must be made under the provisions of sections 54-01-05.1 and 54-01-05.2 and all net proceeds of sales must be placed in the national guard training area and facility development trust fund. The adjutant general may lease parts of military installations to any person. Land originally acquired from a county, city, or political subdivision for nominal consideration may be vacated by the adjutant general and conveyed back to the county, city, or political subdivision when the land is no longer necessary for military purposes.

37-10-03.3. Use of state funds in the construction of national guard facilities.

The adjutant general may participate with political subdivisions to match federal funds for the construction of national guard facilities by contributing, subject to legislative appropriations, up to fifty thousand dollars for a single unit facility or one hundred thousand dollars for a multiple unit facility, but the state contribution may not exceed the amount provided by political subdivisions.

37-10-03.4. Contracting officer for construction of national guard facilities.

The adjutant general or the adjutant general's designee is the contracting officer for the state concerning the construction of national guard facilities. Governing bodies of political subdivisions may, by resolution, also designate the adjutant general or the adjutant general's designee as their contracting officer for the construction of national guard facilities.

37-10-03.5. National guard facilities - Maintenance and repair board.

Repealed by S.L. 2003, ch. 298, § 1.

37-10-03.6. Prequalification, selection, and contracting for consultants - Solicitations.

1. The adjutant general or the adjutant general's designee may prequalify, select, and contract for consultants in the areas of architecture, engineering, construction management, land surveying, and related matters.
   a. The prequalification of the consultant must be based on detailed information provided to the adjutant general and evaluated using the criteria outlined in subsection 5 of section 54-44.7-03.

b. If a consultant meets the prequalification criteria established by the adjutant general, and the consultant agrees to the terms and fee limits established by the adjutant general, the adjutant general or the adjutant general's designee may contract with the consultant for the delivery of an indefinite quantity of services in the area in which the consultant is prequalified. The contract:
   (1) May not exceed a term of five years, including optional renewal periods; and
   (2) Must be selected and negotiated in accordance with subsection 7 of section 54-44.7-03.

c. The selection of a contracted consultant under this section for the delivery of services for a specific project must be determined according to the criteria listed in subdivisions a through g of subsection 5 of section 54-44.7-03.

2. The adjutant general is not required to comply with subsection 3 of section 54-44.7-03 or section 54-44.7-04 and may procure consultant services for:
   a. A project for which the estimated state share of consultant costs is no more than two hundred fifty thousand dollars through direct negotiation with a selected prequalified firm, after considering:
      (1) The nature of the project;
      (2) The proximity of the consultant services to the project;
      (3) The capability of the consultant to produce the required services within a reasonable time;
      (4) The consultant's past performance; and
      (5) The consultant's ability to meet project budget requirements.
   b. A project for which the estimated state share of consultant costs is greater than two hundred fifty thousand dollars but not more than five hundred thousand dollars after:
      (1) Following the criteria listed in subdivisions a through g of subsection 5 of section 54-44.7-03;
      (2) Providing notice of the specific project to all prequalified firms in the specific area of need; and
      (3) Allowing a minimum of seven calendar days to submit information the firm did not provide in response to the prequalification solicitation and additional information related to the firm's ability to:
         (a) Perform the services required for the specific project;
         (b) Produce the required results within the time required for the specific project; or
         (c) Meet budget requirements of the specific project.
   c. A project for which the estimated state share of consultant costs is greater than five hundred thousand dollars, after:
      (1) Notifying all prequalified firms;
      (2) Allowing the prequalified firms a minimum of twenty-one days to respond; and
      (3) Following the requirements provided in subsections 4 through 7 of section 54-44.7-03.
3. As deemed appropriate by the adjutant general or the adjutant general's designee, if a project for which the estimated state share of consultant costs is less than:
   a. Two hundred fifty thousand dollars, the adjutant general or the adjutant general's designee may use any of the procurement processes under subsection 2.
   b. Five hundred thousand dollars, the adjutant general or the adjutant general's designee may use the procurement process under subdivision b or c of subsection 2.
4. Notwithstanding any other provision of law, if the adjutant general or the adjutant general's designee solicits consultant services under this section, the adjutant general or the adjutant general's designee may include more than one project in one solicitation. For purposes of a multiple project solicitation, the requirements for the project with the highest dollar threshold under subsection 2 apply to all projects in the multiple project solicitation.

37-10-04. Use of armories by other organizations - Regulations governing.

The use of armories for the regular meetings or functions of patriotic societies or recognized military service organizations holding charters from Congress or incorporated in this state must be granted by the adjutant general or by the officer in charge of any armory at such times and under such circumstances as not to interfere with the use of the armory for military purposes by the company or companies quartered therein. The use of an armory by a society or organization is subject to the rules and regulations in force governing the use of armories.

37-10-05. Bidder's bond in lieu of certified check.

Repealed by S.L. 1979, ch. 390, § 6.

37-10-06. Transfer of motor storage buildings.

Repealed by S.L. 1979, ch. 390, § 6.