

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1218

2005 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1218

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO.HB 1218

House Government and Veterans Affairs Committee

Conference Committee

Hearing Date 1/21/05

Tape Number	Side A	Side B	Meter #
1	x		35.0-42.1

Committee Clerk Signature



Minutes: HB Hiring of pre qualified consultants by the department of transportation.

12 members present, 2 absent.

**Rep. George Keiser-District 47-For-The** bill I bring to you today deals with primarily the Department of Transportation and the pre qualifying of consultants by the department. This really isn't a technical bill, but it is somewhat like a technical bill, in a sense that what we have established that certain firms can be pre qualified by the department for consulting. What this bill actually does is ask for an increase in the rate, at the level firms can be pre qualified, that really corresponds to inflation and other variables that affect all business, so Mr. Chairman and members of the committee, Francis is here from the Department of Transportation to walk you through the bill and all of the specifics, that is the concept behind it. I have a series of amendments that the consulting engineers and the Department of Transportation are in agreement on.

**Francis G. Ziegler, PE., Director-Office of Project Development-For-Testimony Attached**

**Rep. Meier:** What percent of your consultants are hired out of state compared to in the state if North Dakota?

**Francis:** I didn't bring that percent with me, fundamentally we are hiring from in the state. There are a number of contracts that come to mind, Four Bears, Memorial Bridge that is from outside, but they have done joint ventures with in state firms.

**Rep. Amerman:** How the process would work, no greater than 25,000, you would consult with areas of expertise, when it gets higher 25,000 to 100,000 you look at people that are qualified in the area you need, but not in the geographical area, can you explain why?

**Francis:** Chapter 54 does address geographical areas.

**Rep. Amerman:** Do all of these include the geographical areas?

**Francis:** Yes.

**Chairman Haas:** On the second page of the bill, on the top, where it says number 2, it says the director is not required to comply with subsection 3, but you would comply with all of the rest of the sections of that particular part of the century code.

**Francis:** Correct.

**Chairman Haas:** Committee you follow what I am saying, because on his testimony he is saying all provisions of subsection 4-7, of that section of the code would be meant, but this makes it so they would not have to comply with subsection 3 of that part of the century code. The new procedure would be used, based on the amount of the work, is that correct?

**Francis:** That is correct.

**Chairman Haas:** Thank you very much. Any more questions?

**Jerold R. Backes, PE-Past President/Legislative Chairman-For-Testimony Attached.**

Page 3  
House Government and Veterans Affairs Committee  
Bill/Resolution Number HB 1218  
Hearing Date 1/21/05

**Rep. Galvin: I move a DO PASS on HB 1218.**

**Rep. Boehning: I second.**

**VOTE: YES 12 NO 0 ABSENT 2 DO PASS AS AMENDED**

**REP. CONRAD WILL CARRY THE BILL.**

50395.0101  
Title.0200

Adopted by the Government and Veterans  
Affairs Committee  
January 21, 2005

VK  
1/21/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1218 GVA 1-24-05

Page 2, line 9, replace "capacity" with "capability"

Page 2, line 13, replace "any single state agency" with "the department of transportation"

Renumber accordingly

Date: 1/21/05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1218

House House Government and Veterans Affairs

Committee

Check here for Conference Committee

Legislative Council Amendment Number 50395.0101

Action Taken DO PASS As Amended

Motion Made By Rep Galvin Seconded By Rep Boehning

Representatives	Yes	No	Representatives	Yes	No
Chairman C.B. Haas	✓		Rep. Bill Amerman	AB	
Bette B. Grande - Vice Chairman	✓		Rep. Kari Conrad	✓	
Rep. Randy Boehning	✓		Rep. Louise Potter	AB	
Rep. Glen Froseth	✓		Rep. Sally M. Sandvig	✓	
Rep. Pat Galvin	✓				
Rep. Stacey Horter	✓				
Rep. Jim Kasper	✓				
Rep. Lawrence R. Klemm	✓				
Rep. Lisa Meier	✓				
Rep. Margaret Sitte	✓				

Total (Yes) 12 No  $\emptyset$

Absent 2

Floor Assignment Rep Conrad

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)  
January 24, 2005 10:44 a.m.

Module No: HR-15-0903  
Carrier: Conrad  
Insert LC: 50395.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1218: Government and Veterans Affairs Committee (Rep. Haas, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1218 was placed  
on the Sixth order on the calendar.

Page 2, line 9, replace "capacity" with "capability"

Page 2, line 13, replace "any single state agency" with "the department of transportation"

Renumber accordingly



2005 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1218

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **HB 1218**

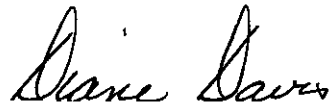
**Senate Government and Veterans Affairs**

Business and Conference Committee

Hearing Date February 25, 2005

Tape Number	Side A	Side B	Meter #
1		x	2012-3475

Committee Clerk Signature



**Senator Krebsbach** opens hearing on **HB 1218**

**Relating to the hiring of pre qualified consultants by the department of transportation.**

**(tape 1, side B, meter #2014)**

**Representative George Keiser** - Sponsor - He then explained what this bill does. For projects under 25,000 the Director of Transportation would be given the authority to go to those pre-qualified entities in an area and negotiate directly with them. The restrictions are that the fees for the prior year can not be directly negotiated with if they received fifty thousand dollars or more in business from the stated. They are trying to avoid a lot of little projects that do add up.

**Senator Lee** - Asked if it is likely all consultants are pre-qualified or does this process also allow for non-pre qualified.

Page 2

Senate Government and Veterans Affairs

Bill/Resolution Number **HB 1218**

Hearing Date February 25, 2005

**Rep. Keiser** - Said speaking personally, in this small state it would be stupid not to qualify.

**Senator Krebsbach** - Asked, under \$25,000 the state may go directly to any pre-qualified firm

**Rep. Keiser** - Said yes, they can go direct. A \$25,000 project is an extremely small project.

(meter #2817)

**Terrence Udland** - NDDOT - See written testimony.

**Senator Nelson** - Asked when there is an emergency how do you begin work right away.

**Udland** - Replied it is declared an emergency and works starts right away.

**Brandt Malson** - President of the Engineering Council - See written testimony.

(meter #3264)

Closed hearing on HB1218

**Senator Brown** motioned for do pass

**Senator Syverson** seconded

**Senator Syverson** will carry.

(end tape 1, side B, meter #3475)

Date: 2/25/06

Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1218

Senate **Government and Veterans Affairs**

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass*

Motion Made By *Senator Brown* Seconded By *Senator Syverson*

Senators	Yes	No	Senators	Yes	No
Karen K. Krebsbach, Chairman	X		Carolyn Nelson	X	
Richard L. Brown, Vice Chairman	X				
Judy Lee	X				
John O. Syverson	X				

Total (Yes) *5* No *0*

Absent *0*

Floor Assignment *Senator Syverson.*

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE (410)**  
February 25, 2005 11:46 a.m.

**Module No: SR-35-3669**  
**Carrier: Syverson**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1218, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1218 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

HB 1218

**TESTIMONY**  
**HB 1218**  
**Francis G. Ziegler, P.E., Director**  
**Office of Project Development**  
**NDDOT**  
**January 21, 2005**

The 1993 Legislative Assembly passed legislation that allowed the NDDOT Director to pre-qualify consulting engineers. This was done so that the time frame for hiring could be reduced.

The current statutes work well with a few minor exceptions. Therefore, the NDDOT and CEC are requesting this legislative to make the following changes:

- 1) Update of the forms on which the consultants provide qualifications, previous work experience, and financial status. (Page 1 - Line 13)
- 2) Indicate that when a consultant is pre-qualified they would get Notification of work only in areas for which they are pre-qualified. Currently the DOT must send notifications of work to all pre-qualified consultants. This adds a burden to those who are not and don't wish to be notified about certain projects. (Page 1 - Line 18)
- 3) To increase the base contract amount for which direct negotiation can occur and to set up a step process for notification.

The process would work like this:

- a) For projects with a consultant cost no greater than \$25,000, it allows direct negotiations with consultants in this area of expertise and in the geographic area of the project. Current statute limits this negotiation to \$10,000. This limit was put into place in 1983. As a result of inflation, this amount no longer provides enough engineering expertise to complete most projects and we are requesting that the amount be increased to \$25,000 with a cap of \$50,000 within a 12-month period for any individual firm.
- b) For projects with consultant costs of \$25,000 to \$100,000, firms pre-qualified in the area of need, would be notified and a 7-day response period would be required. All provisions of Subsection 4-7 of Section 54-44.7-03 would be followed.
- c) For projects with consultant cost of greater than \$100,000 all firms pre-qualified would be notified and a 21-day response period would be required. Again, all the requirements of Subsection 4-7 of Section 54-44.7-03 would be followed.

Thank you.

# ACEC

American Council of Engineering Companies

Jerold R. Backes, PE  
Past President/Legislative Chairman.  
P.O. Box 1077  
Bismarck, ND 58502-1077



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Web Site: [www.acecnd.org](http://www.acecnd.org)

January 21, 2005

Government and Veteran's Affairs  
North Dakota House of Representatives  
Bismarck, North Dakota

**RE: HB 1218 Modification to NDCC 24-02-07.3**

Chairman Haas and Committee Members:

ACEC/ND is an organization representing engineering companies within the state of North Dakota. We are a nonprofit, voluntary, self-governing, and self-funded body organized to assist our members in achieving higher professional, business, and economic standards. All members of the ACEC/ND are registered to practice professional engineering under the laws of North Dakota and many hold registrations in other states. I currently have the privilege of serving as the Chairman of the Legislative Committee and am the Past President of this organization. I wish to advise you of our position on the legislation before you today – HB 1218.

## **ACEC/ND POSITION ON HB1218**

ACEC/ND worked with the North Dakota Department of Transportation (NDDOT) and the Honorable George Keiser in drafting this bill to address items in the procurement of professional services to support the NDDOT. We support HB 1218 as amended, concur with the NDDOT's position on the bill, and we urge the committee to recommend passage to the legislature. Passage is recommended for the following reasons:

1. The bill addresses the need of the NDDOT to respond in the manner that is most efficient and affective for the project size. The changes allow the department to move rapidly to bring on-board the necessary help from our industry for smaller, short-term, and quick response projects, decreases response time on medium sized projects, and maintains the needed additional time and procedure for more complex projects. We feel this is in the interest of the State and our industry.
2. The bill recognizes that in today's technological business world, there are other efficient means of communication that may be used. The changes allow the use of these technologies when applicable but does not mandate them or remove the option of advertising. This will allow the NDDOT to more readily use the tools at their disposal.



3. The legislation also recognizes the changes in the economics of today and raises the limit of the value of work that can be contracted for under these provisions during a 12 month period. This limit was originally set in the early 80's and has not been adjusted to reflect inflation or the current environment. This will allow the agency to work more effectively within the existing economic environment.

The amendment to this bill addresses a couple of small grammatical items which we feel are necessary.

We thank you consideration of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerold R. Backes". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

Jerold R. Backes, PE  
Legislative Chairman  
ACEC/ND

Analysis of County Valuation and Levies  
Veterans Service Levy #1213

	2003 Taxable Value For Taxes Collected in 2004	Revenue Available From 1.25 Mills	Mills Levied in 2003 (for CY2004 Budgets) Levy #1213 Veterans Services
Adams	\$ 6,987,958	\$ 8,735	0.80
Barnes	\$ 33,018,580	\$ 41,273	1.14
Benson	\$ 12,267,235	\$ 15,334	1.25
Billings	\$ 4,767,756	\$ 5,960	1.27
Bottineau	\$ 22,651,974	\$ 28,315	0.87
Bowman	\$ 8,266,766	\$ 10,333	0.80
Burke	\$ 8,573,556	\$ 10,717	0.51
Burleigh	\$ 145,020,966	\$ 181,276	0.88
Cass	\$ 297,734,736	\$ 372,168	0.50
Cavalier	\$ 19,272,267	\$ 24,090	0.58
Dickey	\$ 15,233,708	\$ 19,042	1.08
Divide	\$ 9,037,338	\$ 11,297	0.53
Dunn	\$ 12,277,711	\$ 15,347	0.57
Eddy	\$ 6,322,391	\$ 7,903	1.25
Emmons	\$ 13,494,626	\$ 16,868	
Foster	\$ 12,109,838	\$ 15,137	0.76
Golden Valley	\$ 5,361,941	\$ 6,702	0.47
Grand Forks	\$ 124,884,094	\$ 156,105	1.03
Grant	\$ 7,815,448	\$ 9,769	0.99
Griggs	\$ 8,407,881	\$ 10,510	0.71
Hettinger	\$ 8,828,366	\$ 11,035	0.61
Kidder	\$ 9,197,067	\$ 11,496	0.45
Lamoure	\$ 15,207,672	\$ 19,010	0.37
Logan	\$ 6,566,965	\$ 8,209	0.65
McHenry	\$ 20,519,519	\$ 25,649	0.25
McIntosh	\$ 9,459,733	\$ 11,825	0.70
McKenzie	\$ 15,926,997	\$ 19,909	0.93
McLean	\$ 23,912,629	\$ 29,891	
Mercer	\$ 18,101,014	\$ 22,626	0.25
Morton	\$ 52,511,169	\$ 65,639	1.38
Mountrail	\$ 14,600,261	\$ 18,250	0.52
Nelson	\$ 10,802,490	\$ 13,503	0.81
Oliver	\$ 5,178,741	\$ 6,473	1.25
Pembina	\$ 28,043,474	\$ 35,054	0.56
Pierce	\$ 13,568,390	\$ 16,960	0.57
Ramsey	\$ 23,661,732	\$ 29,577	0.71
Ransom	\$ 15,758,229	\$ 19,698	1.25
Renville	\$ 9,860,176	\$ 12,325	0.39
Richland	\$ 45,509,107	\$ 56,886	1.00
Rolette	\$ 9,175,979	\$ 11,470	0.39
Sargent	\$ 13,751,700	\$ 17,190	0.88
Sheridan	\$ 5,918,760	\$ 7,398	0.59
Sioux	\$ 2,036,720	\$ 2,546	2.08
Slope	\$ 5,192,007	\$ 6,490	0.42
Stark	\$ 36,153,593	\$ 45,192	1.25
Steele	\$ 10,034,446	\$ 12,543	0.55
Stutsman	\$ 47,118,491	\$ 58,898	1.24
Towner	\$ 11,470,242	\$ 14,338	1.27
Traill	\$ 24,427,272	\$ 30,534	0.61
Walsh	\$ 30,499,323	\$ 38,124	0.84
Ward	\$ 100,519,559	\$ 125,649	0.66
Wells	\$ 16,699,672	\$ 20,875	
Williams	\$ 35,156,457	\$ 43,946	1.98

# Memorandum

**To:** Government and Veterans Affairs Committee  
**From:** American Council of Engineering Companies/North Dakota  
**Date:** 1/21/05  
**Re:** House Bill No. 1218

The membership of ACEC/ND supports this bill as amended. We have worked closely with the NDDOT on this legislation and hope for its passage. It will allow all of us to do business in a much more efficient manner thereby saving dollars on all parties involved.

The legislation as proposed provides flexibility but retains the Qualification Based Selection process that is so important to ACEC/ND.

**PROPOSED AMENDMENTS TO  
HOUSE BILL NO. 1218**

Page 2, line 9, replace "capacity" with "capability"

Page 2, line 13, replace "any single state agency" with "the department of  
transportation"

Renumber accordingly

**TESTIMONY**  
**HB 1218**  
**Terrence Udland, P.E.**  
**NDDOT**  
**February 25, 2005**

The 1993 Legislative Assembly passed legislation that allowed the NDDOT Director to pre-qualify consulting engineers. This was done so that the time frame for hiring could be reduced.

The current statutes work well with a few minor exceptions. Therefore, the NDDOT and CEC are requesting this legislative to make the following changes:

- 1) Allow the update of the forms on which the consultants provide qualifications, previous work experience, and financial status. (Page 1 - Line 13)
- 2) Indicate that when a consultant is pre-qualified they would get Notification of work only in areas for which they are pre-qualified. Currently the DOT must send notifications of work to all pre-qualified consultants. This adds a burden to those who are not and don't wish to be notified about certain projects. (Page 1 - Line 18)
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The process would work like this:

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- b) For projects with consultant costs of \$25,000 to \$100,000, firms pre-qualified in the area of need, would be notified and a 7-day response period would be required. All requirements of the Mini-Brooks Act and outlined in Subsection 4-7 of Section 54-44.7-03 would be required.
- c) For projects with consultant cost of greater than \$100,000 all firms pre-qualified would be notified and a 21-day response period would be required. Again, all the requirements of Subsection 4-7 of Section 54-44.7-03 would be required.

Thank you.



American Council of Engineering Companies



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February 25, 2005

Government and Veteran's Affairs  
North Dakota Senate  
Bismarck, North Dakota

**RE: Engrossed HB 1218 Modification to NDCC 24-02-07.3**

Chairman Krebsbach and Committee Members:

ACEC/ND is an organization representing engineering companies within the state of North Dakota. We are a nonprofit, voluntary, self-governing, and self-funded body organized to assist our members in achieving higher professional, business, and economic standards. All members of the ACEC/ND are registered to practice professional engineering under the laws of North Dakota and many hold registrations in other states. I currently have the privilege of serving as the Chairman of the Legislative Committee and am the Past President of this organization. I wish to advise you of our position on the legislation before you today – Engrossed HB 1218.

**ACEC/ND POSITION ON HB1218**

ACEC/ND worked with the North Dakota Department of Transportation (NDDOT) and the Honorable George Keiser in drafting this bill to address items in the procurement of professional services to support the NDDOT. We support Engrossed HB 1218, concur with the NDDOT's position on the bill, and we urge the committee to recommend passage to the legislature. Passage is recommended for the following reasons:

1. The bill addresses the need of the NDDOT to respond in the manner that is most efficient and affective for the project size. The changes allow the department to move rapidly to bring on-board the necessary help from our industry for smaller, short-term, and quick response projects, decreases response time on medium sized projects, and maintains the needed additional time and procedure for more complex projects. We feel this is in the interest of the State and our industry.
2. The bill recognizes that in today's technological business world, there are other efficient means of communication that may be used. The changes allow the use of these technologies when applicable but does not mandate them or remove the option of advertising. This will allow the NDDOT to more readily use the tools at their disposal.

3. The legislation also recognizes the changes in the economics of today and raises the limit of the value of work that can be contracted for under these provisions during a 12 month period. This limit was originally set in the early 80's and has not been adjusted to reflect inflation or the current environment. This will allow the agency to work more effectively within the existing economic environment.

The amendment to this bill in the House addressed a couple of small grammatical items that were deemed necessary and was supported by all parties involved.

We thank you for your consideration of this legislation.

Please give Engrossed HB 1218 a Do Pass Recommendation.

Sincerely,



Jerald R. Backes, PE  
Legislative Chairman  
ACEC/ND