50395.0100

Fifty-ninth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1218

Introduced by

Representative Keiser

1   A BILL for an Act to amend and reenact section 24-02-07.3 of the North Dakota Century Code,

2   relating to the hiring of prequalified consultants by the department of transportation.

3   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4   **SECTION 1. AMENDMENT.** Section 24-02-07.3 of the North Dakota Century Code is

5   amended and reenacted as follows:

6   **24-02-07.3. Prequalification, selection, and contracting for consultants -**

7   **Solicitations.**

8   1.   The director may prequalify, select, and contract for consultants in the area of

9   engineering, land surveying, architecture, traffic safety, business administration,

10   and related matters. The prequalification of the consultant must be based on

11   detailed information regarding firm organization, qualifications of personnel, type of

12   work the firm is qualified to perform, previous work experience, and financial status

13   and must be provided to the director in a form approved by the director. If a

14   consultant meets the criteria set by the director, the director shall prequalify the

15   consultant, noting any limitations as to the type or amount of the work the

16   consultant may perform. When a consultant is prequalified, the consultant is

17   entitled to receive requests for proposals, proposals, and other solicitations for

18   work in the areas in which the consultant is prequalified without any other

19   screening or qualification process. The period of prequalification may not exceed

20   three years. The qualifications of the consultant for a specific project must be

21   determined according to the criteria in subsection 5 of section 54-44.7-03. The

22   director shall publish a prequalification solicitation at least once each year and

23   need not comply with the provision in subdivision c of subsection 2 of section

24   54-44.7-03 requiring the publication of an invitation for a specific project. The

1   selection and contract negotiation must be performed according to subsections 6

2   and 7 of section 54-44.7-03.

3   2.   The director is not required to comply with subsection 3 of section 54-44.7-03 or

4   54-44.7-04 and may procure the services of consultants for:

5   a.   Projects with consultant costs estimated to be not more than twenty-five

6   thousand dollars through direct negotiation with a selected prequalified firm,

7   after considering the nature of the project; the proximity of the architect,

8   engineer, construction management, or land surveying services to the project;

9   the capacity of the architect, engineer, construction manager, or land surveyor

10   to produce the required services within a reasonable time; past performance;

11   and the ability to meet project budget requirements. Fees paid pursuant to

12   this subdivision during the twelve months immediately preceding negotiation

13   of the contract by any single state agency for professional services performed

14   by any one architectural, engineering, or land surveying individual or firm may

15   not exceed fifty thousand dollars. A person seeking to render professional

16   services under this section shall furnish the department a list of professional

17   services previously provided to the department, including the fees paid during

18   the twelve months immediately preceding the contract being negotiated.

19   b.   Projects with consultant costs estimated to be greater than twenty-five

20   thousand dollars but not more than one hundred thousand dollars by notifying

21   all prequalified firms in the specific area of need, allowing a minimum of seven

22   calendar days to respond, and following the remaining process in

23   subsections 4 through 7 of section 54-44.7-03.

24   c.   Projects with consultant costs estimated to be greater than one hundred

25   thousand dollars by notifying all prequalified firms, allowing a minimum of

26   twenty-one calendar days to respond, and following the remaining process in

27   subsections 4 through 7 of section 54-44.7-03.