

Sixty-fourth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1182

Introduced by

Representatives Mooney, Kelsh, J. Nelson, M. Nelson, Owens

Senators Bowman, Sinner, Sorvaag

1 A BILL for an Act to amend and reenact sections 11-11-26 and 11-11-27 of the North Dakota
2 Century Code, relating to bidding requirements for public purchases; and to provide for a
3 legislative management study.

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

5 **SECTION 1. AMENDMENT.** Section 11-11-26 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **11-11-26. When board shall advertise for bids for fuel.**

8 ~~Except as provided in chapter 48-01.2, when the amount to be paid during the current year~~
9 ~~for the erection of county buildings or for election ballots and supplies exceeds ten thousand~~
10 ~~dollars, the board of county commissioners shall cause an advertisement for bids to be~~
11 ~~published at least once each week for two successive weeks in the official newspaper of the~~
12 ~~county and in such other newspapers as it shall deem advisable. The first publication shall be~~
13 ~~made at least fifteen days before the day set for the opening of the bids. For the purchase of~~
14 ~~fuel when the amount exceeds four thousand dollars, the board of county commissioners shall~~
15 ~~seek bids either by telephone solicitation from at least two suppliers, or by an advertisement for~~
16 ~~bids to be published at least once each week for two successive weeks in the official newspaper~~
17 ~~of the county and in other newspapers as the board deems advisable.~~

18 **SECTION 2. AMENDMENT.** Section 11-11-27 of the North Dakota Century Code is
19 amended and reenacted as follows:

20 **11-11-27. Contents of fuel bids advertisement - When bids may be opened - Lowest**
21 **bidder accepted.**

22 The advertisement shall ~~must~~ state what ~~supplies are~~ type of fuel is required ~~or where the~~
23 ~~plans and specifications may be examined, the time allowed for the completion of the~~
24 ~~examination, and when the bids will be opened and passed upon by the board of county~~

1 commissioners. The bids may be opened and passed upon at a regular or adjourned session of
2 the board, or at a meeting called by the county auditor as provided in section 11-11-05. The bid
3 of the lowest responsible bidder ~~shall~~must be accepted, but the board ~~shall have power to~~may
4 reject any or all bids.

5 **SECTION 3. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the
6 legislative management shall consider studying public improvement issues relating to use of
7 multiple bids versus single prime bids, bidding thresholds, design services thresholds, and
8 indemnification. The legislative management shall report its findings and recommendations,
9 together with any legislation required to implement the recommendations, to the sixty-fifth
10 legislative assembly.