

**FIRST ENGROSSMENT  
with House Amendments  
ENGROSSED SENATE BILL NO. 2233**

Introduced by

Senators Dever, O'Connell

Representatives Rick C. Becker, Dockter, Meier

1 A BILL for an Act to amend and reenact section 48-01.2-22 of the North Dakota Century Code,  
2 relating to the public opening of subcontractor bids; and to provide for a legislative management  
3 study.

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

5 **SECTION 1. AMENDMENT.** Section 48-01.2-22 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **48-01.2-22. Subcontractor bids.**

8 1. An agency construction manager selected for a public improvement shall publicly  
9 advertise ~~publicly~~ and receive open bids from subcontractors for the work items  
10 necessary to complete the general construction portions of the improvement. The  
11 governing body may influence the selection of the subcontractors, but only insofar as  
12 the governing body's past experience with a subcontractor or a current legal dispute  
13 with a subcontractor.

14 2. A construction manager at-risk selected for a public improvement shall publicly  
15 advertise ~~publicly~~ and receive open bids from subcontractors for the work items the  
16 construction manager at-risk chooses not to perform. The governing body may  
17 influence the selection of the subcontractors, but only insofar as the governing body's  
18 past experience with a subcontractor or a current legal dispute with a subcontractor.

19 **SECTION 2. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the  
20 legislative management shall consider studying public improvement issues relating to use of  
21 multiple bids versus single prime bids, bidding thresholds, design services thresholds, and  
22 indemnification. The legislative management shall report its findings and recommendations,  
23 together with any legislation required to implement the recommendations, to the sixty-fifth  
24 legislative assembly.