

Sixty-fifth  
Legislative Assembly  
of North Dakota

ENGROSSED SENATE BILL NO. 2142

Introduced by

Senators Laffen, Klein, Oban

Representative Kasper

1 A BILL for an Act to amend and reenact section 48-01.2-22 of the North Dakota Century Code,  
2 relating to construction manager at-risk subcontractor bids.

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

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

6 **48-01.2-22. Subcontractor bids.**

- 7 1. An agency construction manager selected for a public improvement shall publicly  
8 advertise and publicly open bids from subcontractors for the work items necessary to  
9 complete the general construction portions of the improvement. The governing body  
10 may influence the selection of the subcontractors, but only insofar as the governing  
11 body's past experience with a subcontractor or a current legal dispute with a  
12 subcontractor.
- 13 2. A construction manager at-risk selected for a public improvement shall publicly  
14 advertise ~~publicly~~ and ~~receive~~publicly open bids from subcontractors for the work  
15 items the construction manager at-risk chooses not to perform. The construction  
16 manager at-risk then shall evaluate the bids and determine which is the most  
17 responsible. The governing body may influence the selection of the subcontractors,  
18 but only insofar as the governing body's past experience with a subcontractor or a  
19 current legal dispute with a subcontractor.