

Introduced by

Representatives Keiser, Beadle, Boschee

Senators Burckhard, Klein, Laffen, Robinson

1 A BILL for an Act to amend and reenact section 54-44.7-04 of the North Dakota Century Code,
2 relating to exceptions to bidding thresholds for state building projects.

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

4 **SECTION 1. AMENDMENT.** Section 54-44.7-04 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **54-44.7-04. Exception.**

- 7 1. All state agencies securing architect, engineer, construction management, or land
8 surveying services for projects for which the fees are estimated not to exceed
9 ~~twenty-five~~thirty-five thousand dollars may employ the architects, engineers,
10 construction managers, and land surveyors by direct negotiation and selection, taking
11 into account all of the following:
- 12 a. The nature of the project.
 - 13 b. The proximity of the architect, engineer, construction management, or land
14 surveying services to the project.
 - 15 c. The capability of the architect, engineer, construction manager, or land surveyor
16 to produce the required services within a reasonable time.
 - 17 d. Past performance.
 - 18 e. Ability to meet project budget requirements.

19 This procedure shall still follow state policy set forth above.

- 20 2. Fees paid pursuant to this section during the twelve-month period immediately
21 preceding negotiation of the contract by any single state agency for professional
22 services performed by any one architectural, engineering, or land surveying person or
23 firm may not exceed ~~fifty~~seventy thousand dollars. All persons or firms seeking to
24 render professional services pursuant to this section shall furnish the state agency

Sixty-fifth
Legislative Assembly

- 1 with which the firm is negotiating a list of professional services, including the fees paid,
- 2 performed for the state agency during the twelve months immediately preceding the
- 3 contract being negotiated.