

Sixty-ninth
Legislative Assembly
of North Dakota

**SENATE BILL NO. 2063
with House Amendments**

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Introduced by

Industry and Business Committee

(At the request of the Department of Transportation)

1 A BILL for an Act to amend and reenact section 24-02-20 of the North Dakota Century Code,
2 relating to bid delays for construction contracts.

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

4 **SECTION 1. AMENDMENT.** Section 24-02-20 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **24-02-20. Bids, where opened - Requirements - Bonds or checks of three lowest**
7 **bidders retained.**

8 1. All bids must be opened at the time and place specified in the advertised request for
9 bids. The submission of bids and bid openings may be delayed up to twenty-one days
10 at the discretion of the department. The submission of bids and new bid opening dates
11 must be noticed by electronic means as prescribed by the department. Each bid must
12 be accompanied by a certified or cashier's check of the bidder on a solvent bank, in an
13 amount equal to five percent of the bidder's bid, to be forfeited to the state highway
14 fund should the bidder fail to effect a contract within ten days after notice of an award
15 or by a bidder's bond in a sum equal to ten percent of the full amount of the bid,
16 executed by the bidder as principal and by a surety company authorized to do
17 business in this state, conditioned that if the principal's bid be accepted and the
18 contract awarded to the principal, the principal, within ten days after notice of award,
19 will execute and effect a contract in accordance with the terms of the principal's bid
20 and a contractor's bond as required by law and the regulations and determinations of
21 the department.

- 1 2. All bonds or checks, except those of the responsible bidders submitting the three
2 lowest and best bids, must be returned to the bidders promptly upon opening such
3 bids. The bond or check of the responsible bidder submitting the lowest and best bid
4 may be cashed or retained until the contract has been awarded and executed
5 properly. The bonds or checks of the responsible bidders submitting the second and
6 third lowest and best bids may be returned to the bidders when the department has
7 determined to whom the contract is to be awarded.