

2025 SENATE INDUSTRY AND BUSINESS

SB 2063

2025 SENATE STANDING COMMITTEE MINUTES

Industry and Business Committee Fort Union Room, State Capitol

SB 2063
1/8/2025
Industry and Business

A bill relating to bid delays for construction contracts to streamline the process of correcting bids.

9:45 a.m. Chairman Barta called the meeting to order.

Members present: Chairman Barta, Senators Boehm, Enget, Kessel, Klein. No members absent.

Discussion Topics:

- Bid delays for construction contracts
- Equity of contracts/contractors

9:47 a.m. Matt Lineman, Deputy Director for Engineering, NDDOT, Testified and provided written testimony in favor #28116.

10:00 a.m. Russ Hansen, AGC ND, Provided oral testimony in favor.

10:02 a.m. Chairman Barta closed hearing to testimony.

10:02 a.m. Senator Klein moved a Do Pass.

10:02 a.m. Senator Kessel seconded the motion.

10:03 a.m. Chairman Barta called for roll call vote.

Roll call vote result:

Senators	Vote
Senator Jeff Barta	Y
Senator Keith Boehm	Y
Senator Mark Enget	Y
Senator Greg Kessel	Y
Senator Jerry Klein	Y

10:04 a.m. Motion passed 5-0-0.

10:04 a.m. Carried by Senator Enget.

10:05 a.m. Chairman Barta closed the hearing.

Steven Hall, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2063 ([25.8047.01000](#))

Industry and Business Committee (Sen. Barta, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING), and be placed on the Eleventh order on the calendar. This bill does not affect workforce development.

**Senate Bill No. 2063****Senate Industry and Business Committee**

Fort Union Room | Jan. 8, 2025, 9:45 a.m.

Matt Linneman, Deputy Director for Engineering

Greetings, Chair and members of the Committee. I'm Matt Linneman, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to introduce and provide supportive testimony related to SB 2063.

SB 2063 would amend section 24-02-20 of the North Dakota Century Code to provide the NDDOT with greater flexibility in conducting highway construction bid openings. Under the current requirements, if the NDDOT needs to delay a project bid opening after it has been advertised and offered for bid, the NDDOT must readvertise for the full 21-day period mandated by section 24-02-19.

While such situations are rare, they are often time-sensitive when they do occur. Granting the NDDOT the ability to adjust the bid date after the initial advertisement, without the need for a full 21-day readvertisement, would enhance efficiency and improve the NDDOT's ability to manage project timelines effectively.

The NDDOT recommends a "do pass" on SB 2063. This concludes my testimony. Thank you.

2025 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2063

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2063
3/12/2025

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

9:30 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Member Absent: Representative C. Brown

Discussion Topics:

- 21-day minimum period
- 2-month process
- Electronic submittal

9:32 a.m. Matt Linneman, Deputy Director for Engineering, NDDOT, testified in favor and submitted testimony #40434.

9:45 a.m. Russ Hanson, President, Association General Contractors of ND, testified in favor.

9:49 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk



Transportation

Senate Bill No. 2063**House Industry, Business, and Labor Committee**

Room 327E | Mar 12, 2025, 9:30 am

Matt Linneman, Deputy Director for Engineering

Greetings, Chair and members of the Committee. I'm Matt Linneman, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT). I'm here to introduce and provide supportive testimony related to SB 2063.

SB 2063 would amend section 24-02-20 of the North Dakota Century Code to provide the NDDOT with greater flexibility in conducting highway construction bid openings. Under the current requirements, if the NDDOT needs to delay a project bid opening after it has been advertised and offered for bid, the NDDOT must readvertise for the full 21-day period mandated by section 24-02-19.

While such situations are rare, they are often time-sensitive when they do occur. Granting the NDDOT the ability to adjust the bid date after the initial advertisement, without the need for a full 21-day readvertisement, would enhance efficiency and improve the NDDOT's ability to manage project timelines effectively.

The NDDOT recommends a "do pass" on SB 2063. This concludes my testimony. Thank you.

2025 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2063
3/17/2025

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

11:28 a. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

Discussion Topics:

- Committee Action

11:30 a.m. Representative Koppelman moved to amend Page 1, line 9 to say, "Submission of bids and bid openings" and line 10 to say, "Submission of bids and new bid opening dates", #42790.

11:30 a.m. Representative Schauer seconded the motion.

Voice vote.

Motion passed.

11:30 a.m. Representative Koppelman moved Do Pass as amended.

11:31 a.m. Representative Ostlie seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Y
Representative Mitch Ostlie	Y
Representative Jorin Johnson	Y
Representative Landon Bahl	Y
Representative Collette Brown	Y
Representative Timothy Brown	Y
Representative Lisa Finley-DeVille	Y
Representative Karen Grindberg	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Mike Schatz	Y
Representative Austin Schauer	Y
Representative Daniel R. Vollmer	Y

House Industry, Business and Labor Committee
SB 2063
03/17/25
Page 2

Motion passed 14-0-0.

11:31 a.m. Representative D. Ruby will carry the bill.

11:31 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

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3/17/25
10fz

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2063

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. ~~Bid opening~~The submission of bids and resubmissionbid openings may be
10 delayed up to twenty-one days at the discretion of the department. The submission of
11 bids and new bid opening and resubmission date will dates must be noticed by
12 electronic means as prescribed by the department. Each bid must be accompanied by
13 a certified or cashier's check of the bidder on a solvent bank, in an amount equal to
14 five percent of the bidder's bid, to be forfeited to the state highway fund should the
15 bidder fail to effect a contract within ten days after notice of an award or by a bidder's
16 bond in a sum equal to ten percent of the full amount of the bid, executed by the
17 bidder as principal and by a surety company authorized to do business in this state,
18 conditioned that if the principal's bid be accepted and the contract awarded to the
19 principal, the principal, within ten days after notice of award, will execute and effect a

- 1 contract in accordance with the terms of the principal's bid and a contractor's bond as
- 2 required by law and the regulations and determinations of the department.
- 3 2. All bonds or checks, except those of the responsible bidders submitting the three
- 4 lowest and best bids, must be returned to the bidders promptly upon opening such
- 5 bids. The bond or check of the responsible bidder submitting the lowest and best bid
- 6 may be cashed or retained until the contract has been awarded and executed
- 7 properly. The bonds or checks of the responsible bidders submitting the second and
- 8 third lowest and best bids may be returned to the bidders when the department has
- 9 determined to whom the contract is to be awarded.

**REPORT OF STANDING COMMITTEE
SB 2063**

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends **AMENDMENTS** ([25.8047.01001](#)) and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2063 was placed on the Sixth order on the calendar.

25.8047.01000

Sixty-ninth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2063

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:**

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8 1. All bids must be opened at the time and place specified in the advertised request for
9 bids. Bid opening and ~~resubmission~~ submission of bids may be delayed up to twenty-
10 one days at the
discretion of the department. The new bid opening and ~~resubmission~~ submission of
11 bids date will be
noticed by electronic means as prescribed by the department. Each bid must be
12 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.

22 2. All bonds or checks, except those of the responsible bidders submitting the three
23 lowest and best bids, must be returned to the bidders promptly upon opening such
24 bids. The bond or check of the responsible bidder submitting the lowest and best bid

- 1 may be cashed or retained until the contract has been awarded and executed
- 2 properly. The bonds or checks of the responsible bidders submitting the second and
- 3 third lowest and best bids may be returned to the bidders when the department has
- 4 determined to whom the contract is to be awarded.