

STATE LAWS REGARDING  
PUBLIC ENTITIES' ACQUISITION AND DISPOSAL  
OF PROPERTY AND SERVICES  
(including bidding, auctions,  
and requests for proposals)

December 2009

N.D.C.C.  
Section:

- 2-06-09 Airport authorities - may dispose of property in accordance with laws governing the disposition of other public property - but, may dispose to state agency or political subdivision in manner deemed in best interest of civil aviation
- 4-02.1-14 State Fair Association - shall appoint and employ such contractors, architects, builders, clerks, accountants, and other experts, and agents and servants as required to carry out the functions of the Association - compensation set by president and board of directors
- 4-05.1-21 State Board of Agricultural Research and Education - shall solicit proposals for research and award agricultural research grants on a competitive basis
- 4-12.2-21 State Bee Inspector - seized bees or equipment may be sold at public auction - notice to beekeeper
- 4-22-44 Soil conservation districts - discontinuance - supervisors may dispose of property at public auction
- 4-36-04(2) Industrial Commission - may employ architects, engineers, attorneys, inspectors, accountants, agricultural and financial experts, and other advisers, consultants, and agents, and fix their compensation
- 6-07-04.2 State Banking Board or receiver - may permit acquisition of insolvent bank - procedures and bidding
- 6-07-38 Receiver of insolvent bank - assets remaining prior to ten-year deadline may be sold to highest bidder
- 7-06-07 Federal Savings and Loan Insurance Corporation, when acting as receiver or co-receiver with Commissioner of Financial Institutions, of unlawfully operating or insolvent Building and Loan Association, may bid on Association's assets
- Title 9 Contracts and obligations
- 10-33-145(3) Attorney General - contract with expert regarding transaction by a nonprofit entity operating a hospital or a nursing home - no bid required and chs. 44-08 and 54-44.4 do not apply

- 11-09-44 County managership form of government - purchasing agent shall invite competitive bidding under rules established by board of county commissioners
- 11-10-21 County - purchase of blanks, books, and other stationery, and emergency supplies and equipment, by committee of county auditor, treasurer, and chairman of board of county commissioners
- 11-11-16 Board of county commissioners - may purchase sites for county buildings and make contracts for the building, repairing, and maintaining thereof if the expenditures therefor are not greater than can be paid out of the revenue of the county for the current year
- 11-11-18 Board of county commissioners - shall submit to electors any proposal for an extraordinary outlay of money when the proposed expenditure is greater in amount than can be provided for by the annual tax levies - may submit to electors proposal for the construction of a public building by establishing a building fund - this section does not apply to lease-purchase agreements authorized by § 24-05-04
- 11-11-26 Board of county commissioners - except as provided in ch. 48-01.2, when annual cost for erection of buildings or for election ballots and election supplies is over \$10,000, must advertise for bids - when purchasing fuel over \$4,000, must seek bids by telephone or advertise for bids
- 11-11-27 Board of county commissioners - contents of advertisement for bids required by § 11-11-26 - award to lowest responsible bidder or reject any or all bids
- 11-11-28 Board of county commissioners - a bid submitted pursuant to § 11-11-26 must include a bidder's bond - when bid is \$10,000 or less, bidder may provide certified or cashier's check instead of bidder's bond

- 11-11-29 Board of county commissioners - contract must be approved by majority vote - contract shall be made in writing, signed, and the county seal affixed thereto - contract shall provide that not more than 70% of the contract price shall be paid until the contract is completed to the satisfaction and acceptance of the board of county commissioners, its architect, or authorized superintendent - payment to the extent of 70% of the contract price may be made from time to time during the process of construction or as supplies are furnished, and may be divided into such installments as the board may agree upon
- 11-11-30 Board of county commissioners - contracts for election supplies shall be let at first regular meeting in April
- 11-11-55.1 Board of county commissioners - in providing for improvements and making special assessments, county has authority granted to cities in chapters 40-22, 40-23, 40-23.1, 40-24, 40-25, 40-26, 40-27, and 40-28
- 11-27-01 Board of county commissioners - sale of real or personal property - if less than \$1,000, may be sold at private sale; otherwise, must be sold at public sale or by nonexclusive listing agreement
- 11-27-02 Board of county commissioners - sale of real or personal property at public sale - publication of notice specifying whether bids are to be received at auction or as sealed bids
- 11-27-03 Board of county commissioners - sale of real or personal property at public sale - sale to highest bidder if bid is sufficient
- 11-27-03.1 Board of county commissioners - as an alternative to public sale under § 11-27-01, board may attempt to sell real property by nonexclusive listing agreements
- 11-27-09 Board of county commissioners - sale of land to United States for national forest purposes - county may advertise for bids
- 11-27-11 Board of county commissioners - may exchange county lands on Indian reservation for United States government lands on Indian reservation - no bidding necessary

- 11-27-12 Board of county commissioners - may exchange any lands acquired by tax deed proceedings, for any other lands in the same county - county shall receive full value, and land acquired shall be free and clear of all liens and encumbrances
- 11-27-13 Board of county commissioners - land exchanged under § 11-27-12 transferred by deeds
- 11-28.2-04.1 Recreation service districts - subject to this section, a recreation service district has the powers of a municipality under chapters 40-22 through 40-27, relating to special assessments
- 12-48-07 State penitentiary - warden shall procure machinery, tools, and equipment necessary to carry on the work and industries of the penitentiary in accordance with ch. 54-44.4 and rules adopted thereunder
- 15-04-01 Board of University and School Lands - original grant lands may be leased for agricultural purposes at public auction after proper notice (see also N.D. Const. art. IX, § 8)
- 15-04-10 Board of University and School Lands - leasing of original grant lands for agricultural purposes - must be at public auction to highest bidder, but all bids subject to approval by Board
- 15-04-11 Board of University and School Lands - leasing of original grant lands for agricultural purposes - highest bidder must deposit one year's rental - bid must be at least minimum fixed price
- 15-04-22 Board of University and School Lands - leasing of original grant lands for agricultural purposes - a person who successfully bids under § 15-04-10 who fails to make deposit required by § 15-04-11 is guilty of a class B misdemeanor
- 15-06-19.1 Board of University and School Lands - any lands controlled by Board may be exchanged for lands belonging to the United States government - no bidding necessary
- 15-06-25 Board of University and School Lands - offer to purchase original grant lands - published notice of sale must state amount bid

- 15-06-26 Board of University and School Lands - sale of original grant lands at public auction to highest bidder (see also N.D. Const. art. IX, § 6)
- 15-06-27 Board of University and School Lands - sale of original grant lands - highest bidder is purchaser - re-offer for sale if purchaser fails to pay, forfeiture of 10% of bid
- 15-07-03 Board of University and School Lands - may sell nongrant land at public or private sale
- 15-07-04 Board of University and School Lands - nongrant lands must be sold by public auction or sealed bids, except as provided in § 15-07-10
- 15-07-10 Board of University and School Lands - sale of nongrant lands - mortgagor may repurchase land lost through foreclosure by matching highest bid within one hour after public sale
- 15-07-20 Board of University and School Lands - nongrant lands may be leased with or without advertisement or competitive bidding
- 15-08-18.6 Board of University and School Lands - if original grant or nongrant land is purchased at public sale, certain provisions regarding taxation do not apply
- 15-08-22 Board of University and School Lands - trespass upon original grant or nongrant lands - may dispose of seized property at public or private sale
- 15-08-26 Board of University and School Lands - lease of original grant or nongrant lands - undepreciated cost of lessee's construction of a permanent improvement may be canceled if lessee fails to offer the minimum bid and land is not leased at next auction
- 15-10-12.1 State Board of Higher Education - sale of real property or buildings received by gift or bequest - board shall prescribe conditions for sale of property - conditions must include public auction or advertisement for bids, unless the gift instrument requires a different process
- 15.1-09-33 School boards - may acquire and dispose of real property, equipment and other property, and services

- 15.1-09-34 School boards - may not enter into contract involving expenditure of more than \$25,000 unless notice is published, sealed bids are received, and lowest responsible bidder is accepted - exceptions
- 15.1-09-34.1 School boards - purchase of vehicle fuel or heating fuel by obtaining written quotes
- 15.1-09-45 School boards - may lease for purchase, purchase, or construct a storage facility for school buses upon advertised bids as provided in § 15.1-09-34
- 15.1-09-53 School boards - contracting for employees' group health plan - must meet bidding requirements of § 15.1-09-34
- 15.1-12-19 School board of reorganized district - may sell school building - if purchaser or recipient is a political subdivision, the board, upon unanimous vote, may sell building for less than fair market value
- 15.1-30-06 School boards - annual contracts for the provision of transportation services - except as provided in § 15.1-30-11, board shall provide notice of its intent to contract by publishing the time and place for submission of sealed bids - what notice must include - board may reject any and all bids - bidders must submit bond - this section does not apply to a school district that owns its own buses and employs its own bus drivers
- 15.1-30-11 School boards - a contract for the transportation of students that was originally bid may be renewed through direct negotiation in a public meeting if school board has solicited and obtained written quotes
- 15.1-30-12 School boards - except as otherwise provided in § 15.1-30-11, transportation contracts must be awarded to lowest responsible bidder who furnishes a satisfactory bond and whose vehicle and drivers are satisfactory
- 18-12-03 School districts and institutions of higher education - plans and specifications for new school buildings and for additions to and remodeling of existing school buildings must be submitted for approval to the Superintendent of Public Instruction or the Board of Higher Education

- 18-12-04 School districts and institutions of higher education - school buildings - plans and specifications for construction over \$100,000 must be prepared by and the construction supervised by architects or engineers registered in this state - projects over \$2,000 must be submitted to the Department of Public Instruction or the Board of Higher Education for approval
- 18-12-05 State Fire Marshal and architects and engineers - State Fire Marshal shall approve plans and specifications for school buildings before construction is started - public school building plans referred from Superintendent of Public Instruction or Board of Higher Education - private school building plans referred from architects and engineers preparing the plans - architect or engineer must notify the State Fire Marshal when the building is complete
- 20.1-04-07 National Wild Turkey Federation - may auction to highest bidder a license, made available by the Governor, to hunt wild turkeys
- 20.1-08-04.1 Minnesota-Wisconsin Chapter of the Foundation for North American Wild Sheep - may auction a license, made available by the Governor, to hunt bighorn sheep, under rules adopted by the director of the Game and Fish Department
- 20.1-08-04.8 Governor - may, by proclamation, auction to highest bidder a license to hunt mule deer
- 21-06-08 State agencies and political subdivisions - may contract with the United States or its agencies for the purchase or lease of any equipment, supplies, materials, or other property without advertising for bids - may authorize its officials or employees to enter bids and make payments at sale by United States or its agencies

- 21-06-09 State agencies and political subdivisions - may accept loans or advances from the federal government for architectural, engineering, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions preliminary to the construction of public works and improvements, and may repay to the federal government such loans or advances when construction is undertaken - this section does not apply to loans, grants, or advances to the Department of Transportation by the federal government or loans, grants, or advances made to political subdivisions by the Department of Transportation
- 23-11-11 City and county housing authorities - laws regarding acquisition and disposition of property by other public bodies do not apply unless there is a specific provision to that effect - construction of a housing project is a public improvement and is subject to the requirements of ch. 48-01.2
- 24-02-07.3 Department of Transportation - may prequalify consultants in the areas of engineering, land surveying, architecture, traffic safety, business administration, and related matters - prequalified consultants are entitled to receive requests for proposals, proposals, and other solicitations for work in the areas in which the consultant is prequalified - certain provisions of § 54-44.7-03 must be complied with - not required to comply with § 54-44.7-04 - may procure services of certain consultants for projects with consultant costs estimated to be not more than \$25,000 through direct negotiation - may procure services of consultants for projects with consultant costs estimated to be greater than \$25,000 but not more than \$100,000 by notifying all prequalified firms in the specific area of need, allowing a minimum of seven days to respond, and following the process in § 54-44.7-03 - may procure services of consultants for projects with consultant costs estimated to be greater than \$100,000 by notifying all prequalified firms, allowing a minimum of 21 days to respond, and following the process in § 54-44.7-03
- 24-02-11 Department of Transportation - records relating to the financial condition of a party who has applied for prequalification as a bidder, and a party who is designated as a prequalified bidder pursuant to ch. 24-02, are not open for public inspection
- 24-02-16 Department of Transportation (DOT) - bids - if DOT provides materials and supplies, the Office of Management and Budget or DOT may request and let bids

- 24-02-17 Department of Transportation (DOT) - when cost of construction improvement exceeds \$20,000, DOT shall advertise, request bids, and award contracts as provided in ch. 24-02 - may accept bids and bid bonds submitted by electronic media
- 24-02-18 Department of Transportation (DOT) - in cases where the public interest and the preservation of the state highways from deterioration requires it, DOT may do minor grading reconstruction without letting a contract - DOT may contract with county to perform minor grading reconstruction work on a cost basis
- 24-02-19 Department of Transportation (DOT) - request for bids for construction work or the improvement of any state highway, or any structure in excess of \$20,000 must be published in the official newspaper of the county; DOT may also advertise by additional publication or written solicitation of qualified contractors; contents of solicitation - request for bids for purchase of equipment, materials, and supplies, exclusive of equipment repairs and except as provided in § 25-16.2-02 (bids from "work activity centers"), in excess of \$20,000 must be published in the official newspaper of the county
- 24-02-20 Department of Transportation - time and place for opening of bids - bid accompanied by certified or cashier's check in the amount of 5% of bid, or bidder's bond in the amount of 10% of bid - retention of checks or bonds
- 24-02-21 Department of Transportation (DOT) - may request informal bids - must be requested and contract awarded upon basis and procedure of DOT
- 24-02-22 Department of Transportation - when any highway improvement involves structural work, dirt grading and traffic service gravel, graveling, stabilizing and oiling, or concrete surfacing, or any two or more of them, then wherever practicable and not contrary to any federal law or regulations, separate proposals and bids must be received on each separate type of work
- 24-02-23 Department of Transportation - contract exceeding \$20,000 must be awarded to the responsible bidder submitting the lowest and best bid, but may reject all bids - may call for new bids - successful bidder must furnish a bond in at least the amount of the contract

- 24-02-24 Department of Transportation - if a county or city pays for part of cost of improvement, board of county commissioners or city officials shall be notified of the time set for opening bids
- 24-02-35.1 Department of Transportation - may sell road materials in small quantities on an occasional basis to local governmental units, when the local governmental units are unable to economically procure those quantities of road materials from the private sector
- 24-02-47 Department of Transportation (DOT) - notwithstanding any other law, DOT may use the design-build method of project delivery to expedite the construction of a project by combining the design and construction elements of a highway or bridge project into a single contract - this method may only be used on one signal light project and one box culvert structure project - DOT must adopt policies for procuring the projects using this method
- 24-03-13 Office of Management and Budget and Department of Transportation - may purchase equipment, materials, supplies, or other personal property from the United States government or its agencies without compliance with § 24-02-17
- 24-03-15 Department of Transportation (DOT) - obsolescent road machinery, equipment, and material offered for sale to political subdivisions must be sold by negotiation at DOT's established market value - if offered at general sale and valued at more than \$3,000, it must be sold at public auction or by sealed bids at the highest and best bid, reserving the right to reject all bids
- 24-03-23 Department of Transportation - motor vehicles abandoned on state highways may be disposed of as provided in §§ 39-26-05 through 39-26-09

- 24-05-04 Board of county commissioners - any purchase of county road machinery and any rental contract or agreement for the use of road machinery and other articles or any contract for highway improvement, except necessary repairs for road machinery, which exceeds \$50,000 must be advertised as provided by law for the purchase of county supplies - may enter into lease-purchase agreements if provide for full payment within five years from the date of the execution of the lease-purchase agreement according to § 44-08-01.1
- 24-06-09 Board of township supervisors - may contract with board of county commissioners, and other board of township supervisors, or directors of a soil conservation district for the construction, improvement, or repairing of township roads and bridges without advertising for bids
- 24-06-10 Board of township supervisors - when highway improvements are made on surveyed and blocked land contiguous to, adjoining, and outside the limits of a city, the contract must be let to the lowest responsible bidder
- 24-08-01 Board of county commissioners - a majority of freeholders in a civil township, or a majority of freeholders living within a radius of three miles of the proposed location, may petition the board for a bridge at a specified location within the township or a city - if cost exceeds \$500 and board approves petition, it shall advertise for sealed bids - bidder must give a bond - contract awarded to lowest responsible bidder, but board may reject all bids and readvertise - if lowest bid is less than \$15,000, board may refuse all bids and construct bridge itself, and contract for labor or materials
- 24-08-03 Board of county commissioners - bridges built under § 24-08-01 must be rebuilt or repaired by the county - if cost exceeds \$30,000, board shall advertise for bids and award contract pursuant to § 24-08-01 - if there is an emergency, board need not advertise for bids
- 24-08-10 Counties and cities - a county or city may assist in the construction, maintenance, or repair of a bridge over a navigable river - need not comply with § 24-08-01, except that bridges constructed entirely within this state must comply with § 24-08-01

- 25-01.1-24 Office of Management and Budget (OMB) - after receipt of bids, OMB lets contracts for furnishing supplies for the State Hospital - copy of contract provided to State Hospital and Department of Human Services
- 25-01.1-33 Department of Human Services - all work for the erection, repair, or improvement of buildings, grounds, or properties must be let by contract, except that the work of State Hospital patients may be utilized if approved by the Superintendent of the State Hospital and the use of such labor will not substantially depart from the requirements of ch. 48-01.2
- 25-16.2-02 Office of Management and Budget and Department of Transportation - purchase of highway grade stakes - shall request bids from and award contract to "work activity centers" (facilities employing physically handicapped, developmentally disabled, and chronically mentally ill persons)
- 26.1-22-10 State fire and tornado fund - in lieu of coverage by the fund, buildings and their contents owned by State Mill and Elevator Association, at the option of the Industrial Commission, may be insured by private insurance companies after soliciting competitive sealed bids from the fund and private insurance companies, and Industrial Commission may reject any or all bids - in lieu of coverage by the fund, all public buildings owned by a political subdivision may be insured on the basis of competitive sealed bids solicited from the fund and private insurance companies
- 26.1-22-21 Commissioner of Insurance - shall procure, through the solicitation of bids, excess loss reinsurance for the state fire and tornado fund - shall contract with entity submitting lowest and best bid - Commissioner may disregard this section after the available bids are studied
- 26.1-22-21.1 State fire and tornado fund - fund may contract for insurance broker of record services to assist in procuring excess loss reinsurance by soliciting bids - fund may award contract to an insurance broker to serve the interests of the fund and its policyholders - fund may renew, renegotiate, or rebid contract based upon contract performance, cost, and the best interests of the fund and policyholders

28-23-01	Sales under execution - sale of personal property, other than crops or perishable property, taken on execution of a judgment - notice of sale by publication
28-23-04	Sales under execution - sale of real property or interest taken on execution of a judgment - notice of sale by publication and sometimes mailing
28-23-07	Sales under execution - sale of real or personal property under execution - must be sold at public auction to highest bidder
28-23-08	Sales under execution - sale of real or personal property under execution or foreclosure - sale may be postponed under certain circumstances - notice of sale
28-23-11	Sales under execution - sale of real property under execution - certificate of sale must state the price bid
Chapter 32-03	Judicial remedies - damages and compensatory relief
32-12.2-07	Office of Management and Budget - risk management fund - Director may request bids from, or negotiate with, insurance entities, and may enter into agreement with entities best qualified to underwrite and service insurance or coverage programs through the risk management fund
32-31-01	Court action to foreclose on tax liens - manner of sale of real property
32-31-05	Court action to foreclose on tax liens - if no bidders offer minimum amount, county treasurer shall bid that amount
35-22-08	State agencies and instrumentalities - foreclosure on mortgages of real property by advertisement when mortgage contains a power of sale upon default - sale must be at public auction to highest bidder
35-22-11	State agencies and instrumentalities - foreclosure on mortgages of real property by advertisement when mortgage contains a power of sale upon default - certificate of sale must include the price bid for each distinct lot or parcel
36-13-03	Stray domestic animals - if estray is not claimed, sheriff shall sell it at public sale or market - exception for estray that is valued at \$25 or less

- 37-03-08 Adjutant General - unsuitable military property must be disposed of by sealed bid or at public auction after advertisement, or Governor may order it be sold at private sale - scrap material may be sold to scrap dealers at current prices - Adjutant General shall suspend sale whenever better prices may or should be obtained
- 37-10-03.2 Adjutant General - sale of lands owned by the state and used for military purposes must be made under §§ 54-01-05.1 and 54-01-05.2 - land acquired from a political subdivision for nominal consideration may be conveyed back to the political subdivision
- 37-17.3-02 Director of Division of State Radio in Department of Emergency Services - may purchase apparatus and equipment to establish a radio broadcasting system
- 38-08-04.4 Industrial Commission - well plugging, removal or repair of related equipment, or reclamation work - sealed bids solicited by publication of notice - bids opened publicly and contract let to lowest responsible bidder, but may reject any or all bids - under certain circumstances, bids need not be solicited
- 38-09-15 State agencies - leasing of state land or mineral rights - notice
- 38-09-15.1 State agencies - sale of private mineral interests at public offerings for state mineral leases - advertised as provided in § 38-09-15 - bidder must pay an amount equal to the bonus offered for the lease - executed lease delivered to successful bidder
- 38-09-16 Political subdivisions - leasing of political subdivision land or mineral rights - advertise as provided in § 38-09-15 - location of leasing
- 38-09-17 State agencies and political subdivisions - offers for leasing of oil and gas rights may be made in writing and opened at the time of the leasing and bids may be offered orally at the leasing - may reject all bids - bid accepted only when bidder pays an amount equal to the first year's rental plus any bonus offered
- 38-09-19 State agencies and political subdivisions - leasing of public land for exploration or development of oil and gas production - when advertising as provided in § 38-09-15 need not occur

- 38-11-04 State agencies and political subdivisions - leasing of mineral interests other than oil or gas, topsoil, or surface rocks - notice as required by Board of University and School Lands - leasing must be by public auction
- 38-14.2-03(14) Public Service Commission - eligibility of bidders for abandoned mine lands contracts
- 38-14.2-12 Public Service Commission - sale of land acquired under ch. 38-14.2 by public sale and competitive bidding, and must comply with ch. 54-01 and other laws and regulations
- 38-14.3-07 Industrial Commission - surface coal mining and reclamation bond fund - contract for reinsurance may be entered into without public bids - issuance of evidences of indebtedness at public or private sale
- 38-22-20 Industrial Commission - contracts relating to underground storage of carbon dioxide - unless circumstances require otherwise, must follow process in § 38-08-04.4 - if emergency exists, may enter contracts without public notice and without competitive bidding
- 39-12-18 County sheriff - if violator cannot pay costs for violation of motor vehicle size, weight, width, and height restrictions, judge shall order vehicle confiscated and sold by sheriff at public sale to highest bidder
- 39-22-05.2 State agencies and political subdivisions - a bidder for the sale of motor vehicles to state agencies or political subdivisions need not submit a bidder's bond or certified or cashier's check if the bidder is bonded under § 39-22-05 - successful bidder may be required to submit a performance bond
- 39-22-25 State agencies and political subdivisions - new motor vehicles - a manufacturer or franchiser may not offer to sell, directly or indirectly, any new motor vehicle, except through a new motor vehicle dealer holding a franchise for the line make covering the new motor vehicle
- 39-26-08 State agencies and political subdivisions - may sell certain unreclaimed abandoned motor vehicles to highest bidder at public auction after reasonable published notice

- 39-26-09 State agencies and political subdivisions - if no bid is received on abandoned motor vehicle, may dispose of it by contract with scrap iron processor
- 39-30-04(13),(14) State and local law enforcement agencies - chop shops - sale of seized motor vehicles or parts at public sale to highest bidder, notice - if valued at \$1,000 or less, agency shall authorize disposal
- 40-02-16 Arbitration of differences between township and newly organized city upon division of property and indebtedness - under certain circumstances, personal property must be sold at public auction to highest bidder, and city and township may bid
- 40-05-01(2), (5), (55), (56) Cities - may control its finances, borrow money, and acquire and sell real and personal property
- 40-05-01(52) Cities - may provide that supplies shall be furnished by contract let to lowest responsible bidder
- 40-05-01(59), (65), (67), (68), (78) Cities - may construct public works for water supply, flood control, and sewage disposal - may sell public utility - may acquire light and power plants and gas distribution systems
- 40-05-02(17), (19), (27) Cities - may acquire a water supply - may provide for a public transportation system
- 40-05-02(20) Cities - may provide for taking, storage, and disposal of personal property abandoned or left unclaimed on the public streets and alleys, and the sale of such property at public sale after proper notice
- 40-05.1-06(1) Cities - home rule cities may have the power to acquire and dispose of property
- 40-11-04 Cities - personal or real property valued at less than \$2,500 may be sold at private sale - in all other cases, property must be sold at public sale or by nonexclusive listing agreements under § 40-11-04.2
- 40-11-04.1 Cities - sale of real property - publication of notice - notice to specify whether bids are to be received at auction or as sealed bids - sold to highest bidder if bid is sufficient
- 40-11-04.2 Cities - sale of real property by nonexclusive listing agreements - city may reject any and all offers determined to be insufficient

- 40-22-19                    Cities - improvements by special assessment - proposals for the work of making the improvement must be advertised in newspaper - all other provisions for proposals under this chapter are governed by ch. 48-01.2
- 40-22-26                    Cities - if governing body has called for bids on more than one kind of pavement, owners of the property to be specially assessed may petition for a certain kind of pavement
- 40-22-28                    Cities - if the contemplated improvement consists of paving or repaving, the governing body, after it has opened and considered the bids, shall determine the kind of pavement to be laid, and thereafter may award the necessary contracts
- 40-22-29                    Cities - before adopting or rejecting any bid, the engineer shall make a detailed statement of the estimated cost of the work for which proposals were advertised under § 40-22-19 - governing body may not award contracts to any bidder if this engineer's estimate exceeds the engineer's estimate of the cost of the work prepared pursuant to § 40-22-10(1) by 40% or more
- 40-22-36                    Cities - improvements by special assessment - after contract has been awarded and before work has been completed, political subdivision may, with consent of the contractor and without advertising for bids, order additional work done by that contractor of the same character, but the total price paid to the contractor for additional work may not exceed 20% of the amount estimated by the engineer to be payable for that character of work under the original contract
- 40-22-37                    Cities - improvements by special assessment - payment of contractor - retainage of 10% of estimates until project is 50% complete - final payment following completion and acceptance of the project - investment of retainage
- 40-22-44                    Cities - improvements by special assessment - governing body, after public hearing, may discontinue operation of parking lot - governing body may negotiate for the sale of the parking lot

- 40-22.1-10                    Cities - special assessments for promotion of business activity - after a contract has been awarded and before the work has been completed, the city may, without advertising for bids, order additional work done by that contractor of the same character, but the total price paid to the contractor for the additional work may not exceed 20% of the amount estimated by the city auditor to be payable for that character of work under the original contract
- 40-23-06                    Cities - assessment of benefits in special assessment districts - if work consists of improvements to sewers or water mains already installed or paving already laid, and all bids were rejected and the work done by the political subdivision, and if the work can be done in separate sections or work units, it is not necessary that all of the work be completed before the special assessments are made
- 40-24-19                    Cities - special assessments - after it has been determined that the protests are insufficient, and in anticipation of collection of special assessments and any taxes or revenues, the governing body may issue warrants or improvement bonds - there is no interest rate ceiling on warrants or improvement bonds sold at public sale or to state agencies or instrumentalities
- 40-25-01                    Cities - real property shall be sold to enforce the collection of special assessments which have become delinquent at the same time and in the same manner as provided in title 57 for the sale of real property for delinquent general taxes
- 40-25-02                    Cities - if real estate is sold for both delinquent general taxes and delinquent special assessments and there is no bidder, the county auditor shall strike off the parcel of land to the county and one certificate of sale shall cover both general taxes and special assessments which are delinquent
- 40-28-07                    Cities - service connections - governing body shall advertise for bids in accordance with ch. 48-01.2 for the construction of service connections
- 40-29-07                    Cities - bids for construction of sidewalks must be made in accordance with ch. 48-01.2
- 40-31-04                    Cities - at least once every year that the city plans to construct or repair curbing or gutters, the city auditor shall solicit bids in accordance with ch. 48-01.2

- 40-32-07                    Cities and city park districts - construction of boulevards, or planting trees, sowing grass seed, trimming trees, or cutting grass on boulevards, or watering or maintaining boulevards - contracts must be let in the manner prescribed in ch. 40-29 for the letting of contracts for sidewalks
- 40-33-01                    Cities - city utilities, including electric, telephone, water, heat, and gas - city may purchase, construct, operate, maintain, enlarge, or improve, or lease from any person or sell or lease to any person, these utilities - city "lease" of waterworks may include soliciting proposals and, by resolution, city may accept proposal that it determines to be in the public interest
- 40-33-03                    Cities - city utilities, including electric, telephone, water, heat, and gas - city may not sell any plant, system, or line, or lease the same to any entity, unless the entity has filed with the city a written offer or proposition, and the majority of electors approve such sale or lease - copy of offer or proposition must be published with notice of election
- 40-33-16                    Cities - city owning a system for the distribution of water, whose water supply is unsuitable or inadequate, may contract to purchase water upon such terms and during such period, not exceeding 40 years, as the city governing body shall deem appropriate - such contract shall be authorized by an ordinance submitted to the voters for approval
- 40-33.1-06                    Municipal steam heating authorities - real property acquired at expense of authority may be sold, leased, or otherwise disposed of at public or private sale
- 40-33.2-09                    Cities and municipal power agencies - may contract for the planning, acquisition, construction, reconstruction, operation, maintenance, repair, extension, and improvement of generation and transmission facilities without advertising for bids, preparing final plans and specifications in advance of construction, or securing performance and payment bonds - if a payment bond is secured as provided in ch. 48-01.2, it is enforceable
- 40-48-06                    City planning commissions - may contract with architects, city planners, engineers, and other consultants

- 40-49-14 City park districts - except as provided in ch. 48-01.2, all contracts exceeding \$25,000 must be let to the lowest responsible bidder after advertisement in the official newspaper of the city once each week for two successive weeks - board may reject any or all bids
- 40-54-01 Cities - city auditor may, at the discretion of the governing body, advertise for bids for the furnishing of gravel in place for gravel surfacing of highways within the city, upon a cubic yard basis - bid specifications - each bid must be accompanied by a separate envelope containing a certified or cashier's check - contract shall be made only to such person who furnishes good and sufficient bond for the performance thereof
- 40-54-02 Cities - contract for gravel surfacing of highways awarded to lowest responsible bidder
- 40-57-03(12) Cities, counties, and city parking authorities - Municipal Industrial Development Act - project financed relating to real property or buildings must comply with ch. 48-01.2 and other applicable statutes; however, if contracting party is not a governmental entity or a public institution, ch. 48-01.2 need not be complied with
- 40-58-13(2) State agencies and political subdivisions - urban renewal law - any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding
- 40-61-05(5) Municipal parking authorities - if real property was acquired at the expense of an authority, the authority may sell, lease, or otherwise dispose of such real property at public or private sale
- 41-02-45 Sale of goods at auction - if seller bids, without notice, buyer may avoid sale or take goods at price of last good-faith bid prior to completion of sale
- 43-03-23 State agencies and political subdivisions - architect or landscape architect not liable for safety of construction site, or for construction techniques, or for the actions of any construction contractor, subcontractor, or material supplier, unless liability is assumed by contract or by actual conduct

- 43-07-06 Administrative bodies, governing bodies, agencies, and commissions having power to enter into public contracts - may impose reasonable requirements and conditions as conditions precedent to the awarding of a contract for the construction or reconstruction of public works exceeding \$2,000 in addition to the requirements imposed by ch. 43-07
- 43-07-08 Ch. 43-07 does not apply to any representative of the United States, the state of North Dakota, or any county, city, irrigation district, reclamation district, or other political corporation
- 43-07-11.1 State agencies and political subdivisions - contractor may not enter into contract until satisfactory showing is made that the contractor has paid all delinquent income, sales, or use taxes, if any
- 43-07-12 State agencies except Department of Transportation and Public Service Commission, and political subdivisions - all bids and proposals for the construction of any public contract project exceeding \$2,000 must contain a copy of the contractor's license of the appropriate class enclosed in the required bid bond envelope - contractor must hold license at least 10 days prior to date set for receiving bids to be a qualified bidder - a bid submitted without this information properly enclosed in the bid bond envelope may not be read nor considered and must be returned to the bidder - certain bids excepted from this requirement
- 43-07-20 State agencies and political subdivisions - in all contracts, except those involving certain federal funds, or engineering, superintendence, management, or office or clerical work, there shall be inserted a provision in which the contractor must give preference to the employment of North Dakota residents and veterans - no contract may be let that does not comply with this section
- 43-19.1-28 State agencies and political subdivisions - except as otherwise provided by law, the state and its political subdivisions may not construct public works over \$100,000 involving the practice of professional engineering unless the engineering drawings and specifications and estimates have been prepared by, and the construction administration and construction observation services are executed under the supervision of a registered professional engineer

- 43-23-20 State Real Estate Commission - may negotiate by bid with an insurance provider for a group policy under which coverage is available to all licensees
- 44-04-18.4 Public entities - bids or proposals may be confidential or exempt from the open records law - bids or proposals received in response to a request for proposals are exempt until all proposals have been received and opened or until all oral presentations regarding the proposals have been heard - records included with any bid or proposal naming and generally describing the entity submitting the proposal are open
- 44-08-01 State agencies and political subdivisions - contracts for purchasing of goods or equipment, building or repairing of structures, and professional services - must give preference to North Dakota bidders, sellers, or contractors - in specifying goods or equipment, may not specify any trademarked or copyrighted brand or name, nor the product of any one manufacturer, nor any patented product or equipment, where the same will prevent proper competition, unless bidders also are asked for bids upon other articles of like nature, utility, and merit - when it is advantageous that the purchase be of a particular brand or of products of a particular manufacturer, the purchasing board or entity must document those circumstances and provide written justification for the proprietary specification or purchase - purchasing board or entity shall procure the proprietary product through a competitive process unless the needed product is available exclusively from one source of supply or other circumstances exist under which competition can be waived
- 44-08-01.1 Political subdivisions - when required to solicit bids for the purchase of personal property and equipment, must accept only sealed bids - must designate time and place for opening of bids - if all bids are not rejected, purchase must be made from bidder submitting the lowest and best bid meeting the specifications - if two or more bids are identical, preference must be given to North Dakota vendors
- 44-08-02 State agencies and political subdivisions - definition of a resident North Dakota bidder, seller, or contractor, as used in § 44-08-01
- 46-01-02 Office of Management and Budget - shall bid and let all contracts for requested printing

- 46-02-01 Office of Management and Budget - has charge of all printing for state agencies except as provided in § 46-02-09
- 46-02-05 Office of Management and Budget (OMB) - at least two months before each legislative session, OMB shall invite sealed bids for each class of legislative-related printing - invitation for bids shall include the specifications for form, style, quantity, and timing in accordance with the rules of the legislature or as directed by the legislative council
- 46-02-06 Office of Management and Budget - shall award contracts for legislative-related printing to lowest bidder, subject to other provisions of title 46
- 46-02-07 Office of Management and Budget (OMB) - proposals for legislative-related printing let under competitive bids must be in writing, sealed, and addressed to OMB - OMB may reject bids from certain printers, and may reject any or all bids if in its judgment the best interests of the state would be subserved thereby
- 46-02-08 Office of Management and Budget - no bids may be received after the hour specified in the published notice - no bid may be changed after it has been received
- 46-02-09 Office of Management and Budget (OMB) - all state printing in classifications 3 and 6 must be purchased by OMB, or delegated, according to ch. 54-44.4, unless the work is done by the central duplicating service of OMB
- 46-02-15 Office of Management and Budget, state entities, and political subdivisions - if practicable, all state and political subdivision printing, binding, and blank book manufacturing, blanks, and other printed stationery must be awarded to a resident bidder as defined in § 44-08-02
- 47-30.1-22 Administrator of the Abandoned Property Office in the State Land Department - shall sell abandoned property to highest bidder at public sale, after notice, if bid is sufficient - exceptions

- 48-01.2-01 State entities and political subdivisions - public improvement bids and contracts - includes definitions of “agency construction management,” “construction,” “construction administration,” “construction management at-risk,” “construction manager,” “construction observation,” “contract,” “contractor,” “design services,” “design-bid-build,” “emergency situation,” “guaranteed maximum price,” “lowest responsible bidder,” and “public improvement” - “construction” means the process of building, altering, repairing, improving, or demolishing any public structure or building or other improvement; “construction” does not include the routine operation or maintenance of existing facilities, structures, buildings, or real property or demolition projects costing less than \$100,000 - “public improvement” means any improvement paid for with public funds and includes improvements on nonpublic land if any portion of the construction phase is paid for with public funds; “public improvement” does not include any county road construction and maintenance, state highway, or public service commission project governed by titles 11, 24, or 38
- 48-01.2-02 State entities and political subdivisions - except as otherwise provided in ch. 48-01.2, if a public improvement is estimated to cost over \$100,000, the state entity or political subdivision shall procure plans, drawings, and specifications from an architect or engineer - exceptions for public buildings used by North Dakota agricultural experiment station and Department of Transportation
- 48-01.2-03 State entities and political subdivisions - may not request bids for any article of a specified or copyrighted brand or name, the product of any one manufacturer, or any patented apparatus or appliance when the requirement will prevent proper competition, unless the specifications also request bids on other similar articles of equal value, utility, and merit
- 48-01.2-04 State entities and political subdivisions - except as otherwise provided in ch. 48-01.2, if a public improvement is estimated to cost over \$100,000, the state entity or political subdivision shall advertise for bids by publication - place, manner, and timing of publication - if emergency situation is declared, may contract for public improvement without seeking bids

- 48-01.2-05 State entities and political subdivisions - advertisement for bids for public improvements over \$100,000 must state: 1) the nature of the work and the type and location of the proposed public improvement, 2) when and where plans, drawings, and specifications may be examined, 3) place, date, and time bids will be opened, 4) that each bid must be accompanied by a separate envelope containing the contractor's license and a bidder's bond in a sum equal to 5% of the full amount of the bid, 5) that a bidder must be licensed as required by §§ 43-07-05 and 43-07-12, exception for a bidder on a municipal, rural, and industrial water supply project authorized for certain federal funding, 6) that no bid may be read or considered if it does not fully comply with the requirements of this section and that any deficient bid submitted must be resealed and returned to the bidder immediately, and 7) that the governing body reserves the right to reject any and all bids and rebid the project until a satisfactory bid is received
- 48-01.2-06 State entities and political subdivisions - public improvements - when any contract or any combination of contracts is over \$100,000, multiple prime bids for the general, electrical, and mechanical portions of a project are required - if a general, mechanical, or electrical contract is estimated to be less than \$25,000, the contract may be included in one of the other prime contracts - governing body may allow submission of a single prime bid for the complete project or bids for other specialized portions of the project - single prime bid may not be accepted unless it is lower than the combined total of the lowest responsible multiple bids
- 48-01.2-07 State entities and political subdivisions - public improvements - shall open publicly and read aloud each responsible bid received and award contract to lowest responsible bidder - may reject any and all bids and readvertise for bids if no bid is satisfactory or if it determines there is an agreement to prevent competition - may advertise for new bids until a satisfactory bid is received
- 48-01.2-09 State entities and political subdivisions - public improvements - shall enter a contract with the lowest responsible bidder - the contract must contain 1) written terms of the agreement and any associated documents, 2) the required surety bond, and 3) any other document deemed appropriate by the governing body and identified in the advertisement for bids

- 48-01.2-10 State entities and political subdivisions - public improvements over \$100,000 - unless otherwise provided in ch. 48-01.2, the governing body shall take from the contractor a bond before any work is done - the bond must be for an amount equal at least to the contract price - the bond must be conditioned to be void if the contractor and all subcontractors fully perform the work and pay for all labor and materials - the bond must run to the governing body - a governing body may not require any person required to provide a surety bond to obtain the surety bond from a specified insurance or surety company or insurance producer or to submit financial data to the company or producer
- 48-01.2-13 State entities and political subdivisions - public improvements - payments for labor and materials - retainage of 10% of estimates until project is 50% completed - final payment following completion of all work, acceptance of the project, and the provision of necessary releases
- 48-01.2-14 State entities and political subdivisions - public improvements - failure to pay estimates or make final payment - rate of interest
- 48-01.2-16 State entities and political subdivisions - contracts for public improvements over \$100,000 - governing body shall employ the architect, landscape architect, or engineer, or other qualified person to provide construction administration and construction observation services
- 48-01.2-17 State entities and political subdivisions - if a public improvement is awarded as multiple prime contracts for the general, electrical, mechanical work, and other prime contracts as contained in the bid for the project, the governing board may assign the coordination of the electrical and mechanical contracts and any other contracts to the general contractor to facilitate the coordination of the work

48-01.2-18

State entities and political subdivisions - public improvements - may use "agency construction management" or "construction management at-risk" delivery methods if the agency construction manager or construction manager at-risk have no prohibited common ownership or conflicts of interest - governing body shall determine 1) that it is in the best interest of the public to use the chosen delivery method, 2) that the agency construction manager or construction manager at-risk planning and design phase services will not duplicate services normally provided by an architect or engineer, and 3) that the agency construction manager or construction manager at-risk construction services will be in addition to and not duplicate the services provided for in the architect and engineer contracts - governing body shall provide written documentation of these determinations upon written request

48-01.2-19

State entities and political subdivisions - public improvements - if utilizing the "agency construction management" delivery method, the governing body shall establish a construction management services selection committee composed of certain individuals - committee shall develop a description of the proposed public improvement, enumerate each required agency construction management service, and prepare the formal invitation request for qualifications - governing body shall publish notice of request for qualifications and mail copies upon request - committee shall hold interviews and evaluate each person on certain criteria - committee shall rank the three most qualified persons - committee shall submit report to governing body - governing body shall determine final ranking - governing body shall negotiate a contract for services with the most qualified person at a compensation which is fair and reasonable to the governing body - if negotiations with the most qualified person does not result in a satisfactory contract, negotiations with the next qualified person must commence, etc. - governing body, at any time, may reject all proposals and readvertise or select another allowed project delivery method

48-01.2-20

State entities and political subdivisions - public improvements - if utilizing the “construction management at-risk” delivery process, the governing body shall create a selection committee composed of certain persons - before issuing a notice of request for qualifications to enter a construction management at-risk services contract, the committee shall establish the content of the request for qualifications, which must include certain listed information - committee shall determine evaluation criteria - committee shall evaluate each submission based on criteria and shall include the numeric scoring of each criteria item on a weighted basis - committee shall include the three highest ranked on a list - committee shall recommend to governing body the construction manager at-risk receiving the highest score - if the construction manager at-risk is unable to reach agreement with the governing body, the governing body shall negotiate with the construction manager at-risk with the next highest score, etc. - if list of finalists is exhausted, governing body may be required to select another allowed public improvement delivery method - upon reaching an agreement with a construction manager at-risk on compensation and contract terms for construction management planning and design services, the governing body shall enter a written contract

48-01.2-21

State entities and political subdivisions - public improvements - after the governing body and the construction manager at-risk have finalized the contract for planning and design phase services and the process has progressed sufficiently to provide the construction manager at-risk the necessary project details, the governing body and the construction manager at-risk shall enter negotiations for a guaranteed maximum price and contract terms for the general construction of the public improvement - if the governing body is unable to negotiate a satisfactory contract with the highest qualified person on the list of finalists, the governing body shall commence negotiations with the next most qualified person, etc. - if the governing body reaches an agreement with a construction manager at-risk on a guaranteed maximum price and on contract terms, the governing body and construction manager at-risk shall enter a written contract for the general construction management at-risk construction services

- 48-01.2-22 State entities and political subdivisions - public improvements - an agency construction manager selected for a public improvement shall advertise publicly and receive bids from subcontractors for the work items necessary to complete the general construction portions of the improvement - a construction manager at-risk selected for a public improvement shall advertise publicly and receive bids from subcontractors for the work items the construction manager at-risk chooses not to perform - the governing body may influence the selection of the subcontractors, but only insofar as the governing body's past experience with a subcontractor or a current legal dispute with a subcontractor
- 48-01.2-23 State entities and political subdivisions - public improvements - an agency construction manager, before starting any work, shall provide the governing body with a bond that is equal to the cost of the agency construction manager's services; each contractor performing services on the public improvement shall provide the governing body with a separate bond for the contractor's portion of the public improvement – a construction manager at-risk, before starting any construction, shall provide the governing body with a bond in an amount at least equal to the amount of the guaranteed maximum price; the bond must be conditioned to be void if the contractor and all subcontractors fully perform the construction services and pay for all labor and materials; the bond must run to the governing body; each mechanical contractor and electrical contractor providing work on a public improvement project that utilizes the "construction management at-risk" delivery method shall provide the governing body with a separate bond for the contractor's portion of the public improvement
- 48-01.2-24 State entities and political subdivisions – public improvements - shall require a statement from any person preparing plans and specifications for a public building or facility, that the plans and specifications are in conformance with the Americans with Disabilities Act accessibility guidelines for buildings and facilities
- 48-02.1-03 State entities, cities, counties, and townships - development of public facilities by private operators - public entity may solicit proposals from private operators for the constructing, improving, rehabilitating, operating, managing, and owning of a facility - after a hearing, the public entity may accept a proposal that it determines to be in the public interest - public authority may negotiate and enter into a development agreement with any private operator

- 48-02.1-12 State entities, cities, counties, and townships - development of public facilities by private operators - for portions of the project that do not involve contractor ownership, the construction, improvement, rehabilitation, operation, and maintenance of a facility by private operators are subject to all competitive bidding and procurement requirements under state and local laws, rules, and ordinances, if so determined by resolution of the governing body of the public entity
- 48-05-02.1 State entities and political subdivisions - purchase of coal for heating purposes - preference to bidders supplying coal mined in North Dakota - when advertising for or reviewing bids, may not mandate the use of any particular type of coal or the region where the coal is to be mined
- 48-05-09 State entities and political subdivisions - request for proposals for energy conservation measures must include the scope of the project, the criteria for awarding a contract, the right to reject the request for proposals, etc.
- 48-05-10 State entities and political subdivisions - shall evaluate all reports received as the result of request for proposals for energy conservation measures - must involve an engineer or architect
- 48-05-11 State entities and political subdivisions - may enter into a guaranteed energy savings contract with a qualified provider if the energy and operating cost savings over a period of 15 years will meet or exceed the cost of the system
- 48-05-12 State entities and political subdivisions - guaranteed energy savings contracts are not subject to the requirements of ch. 48-01.2 which relates to competitive bidding, and are not subject to § 43-19.1-28 regarding the involvement of a registered professional engineer
- 48-08-06 Cities, counties, and townships - may permit the use of or lease its public buildings to any person, and make reasonable rules - may require a bond from the lessee or user
- 48-08-07 Cities, counties, and townships - if lease a public building, lease must be to a responsible party offering the highest return and the use or occupation may not interfere with the use of such building for public purposes - governing body may reserve right to reject any and all bids

- 48-09-01 State entities, cities, and counties - may grant concessions on public buildings or grounds for any café, restaurant, or confectionery, by renting, leasing, and licensing any such concession to the highest bidder or best bidder, or both, at a reasonable rental per month, for a period not exceeding 8 years, and may reject any and all bids therefor - but North Dakota Fair Association or county park board may grant a concession without letting bids
- 48-09-02 State entities, cities, and counties - when a concession granted pursuant to § 48-09-01 is worth more than \$500, it must be let to the highest bidder or best bidder, or both, after the advertisement for bids
- 48-09-03 State entities, cities, and counties - governing body may require a deposit of security by the successful bidder within 10 days after notice of the acceptance of the bid - if deposit is not furnished, the concession may be let to the next highest bidder, and if there is no other bidder, to some other party - vending, service, and merchandising machines shall be permitted in public buildings only upon payment of an adequate compensation for such privilege
- 49-23-03 Nonprofit corporation governing excavation notification center - shall establish a competitive bidding procedure to select a vendor to provide the notification service - may solicit bids for any services provided for the operation of the center
- 50-06-23 Department of Human Services (DHS) - before January 1, 2006, DHS shall issue a request for proposal for the provision of residential treatment services to meet the needs of youth with a history of sexual offenses within the state
- 50-06-29 Department of Human Services - may request bids and award a contract for the provision of an Aging and Disability Resource Center
- 52-08.1-05 Job Service North Dakota - North Dakota workforce 20/20 training - companies, trade representatives, or employee representatives may submit proposals or concept papers to Job Service North Dakota

- 52-11-01 North Dakota National Guard - may establish employee retirement program by contract - shall prepare specifications which must be submitted to not less than 3 companies or agencies with a request for bids - after submission of at least 3 bids, the Adjutant General shall, with approval of the Governor, execute a contract with the company or agency submitting the lowest and best bid
- 53-06.2-04 North Dakota Racing Commission - parimutuel horse racing - Commission shall adopt rules governing, restricting, or regulating bids on licensees' concessions and leases on equipment
- 53-06.2-04.1 North Dakota Racing Commission - parimutuel horse racing - shall contract with a private person to maintain a registry for North Dakota-bred horses - shall award the contract to the lowest responsible bidder
- 53-12.1-05 North Dakota lottery - before a contract for a gaming system or marketing services is awarded, the director shall use an open and competitive bid process which reflects the best interest of the state - director shall consider all relevant factors, including security, competence, experience, timely performance, and maximization of net proceeds
- 53-12.1-11(1)(c) North Dakota lottery - information on bids is confidential if the disclosure would be harmful to the efforts of the lottery to contract for goods and services on favorable terms
- 54-01-05.2 State agencies other than Board of University and School Lands, Housing Finance Agency, and Bank of North Dakota - real property authorized to be sold must be sold for cash at public auction at the relevant county courthouse after publication of notice of sale - must reserve right to reject any and all bids - may not sell at auction for less than appraised value - if no bid is received at public auction, the land may be sold for not less than 90% of appraised value
- 54-01-12 State agencies - may exchange certain state-owned land on Indian reservations in this state with land belonging to the United States government on Indian reservations in this state - no notice of exchange or bidding necessary
- 54-01-13 State agencies - may exchange certain state-owned land on Fort Berthold Reservation for land belonging to the United States government located outside of the Fort Berthold Reservation - no notice of exchange or bidding necessary

- 54-06-17 State entities - with approval of the Office of Management and Budget, any state entity leasing or renting office equipment may convert the agreement to a rental-purchase-type agreement
- 54-17-11 Industrial Commission - shall employ such contractors, architects, builders, and other experts, as in the judgment of the Industrial Commission the interests of the state may require
- 54-17-12 Utilities, industries, enterprises, or business projects administered by the state - subject to the control of the Industrial Commission, the manager of such entity shall appoint and employ such contractors, architects, builders, and other experts as in the manager's judgment are required
- 54-18-05 Industrial Commission - North Dakota Mill and Elevator Association - shall employ such contractors, architects, builders, and other experts, as in the judgment of the Industrial Commission the interests of the state may require
- 54-18-06 North Dakota Mill and Elevator Association - subject to the control of the Industrial Commission, the manager of the Association shall appoint and employ such contractors, architects, builders, and other experts, as the manager finds are required by the interests of the Association
- 54-18-18 North Dakota Mill and Elevator Association - contract let for construction or provision of equipment to Association - payments to contractor during progress of work
- 54-21-27 State agencies - may sell or remove unsafe public buildings after obtaining approval - economics shall dictate whether or not the sale or removal shall be by advertising for public bids and awarding same to the lowest responsible bidder
- Chapter 54-21.2 State agencies and political subdivisions - energy conservation standards in new building construction
- Chapter 54-21.3 State agencies and political subdivisions - state building code
- 54-23.3-04(12) Department of Corrections and Rehabilitation - director may lease land - may sell or exchange land, and sell, trade, lease, or grant mining easements - must request bids in published notice - exempt from § 54-01-05.2 - reservation of right to reject any and all bids

- 54-27-22 State agencies - funds must be made available from the Office of Management and Budget for studies, planning, architectural programming, schematic designs, and cost estimates relating to proposed new capital improvements and major remodeling of existing facilities - submission of written requests to the Office of Management and Budget and the budget section of the Legislative Council
- 54-34-12 Division of Economic Development and Finance in Department of Commerce - may enter service contracts on a competitive bid basis to establish and operate the venture capital network - may approve contract proposals to establish the venture capital network
- 54-40.2-02 State agencies, political subdivisions, and Indian tribes - ch. 54-40.2, authorizing agreements between public entities and Indian Tribes, does not apply to agreements entered into under § 24-02-02.3 (with director of Department of Transportation) and ch. 54-38 (with Department of Human Services) or agreements entered into pursuant to a state or federally funded program or other activity, including any publicly announced offer of a grant, loan, request for proposal, bid, or other contract originating with a public agency, for which the tribal government is otherwise eligible under federal, state, or local law
- 54-44-04.5 Office of Management and Budget - shall fairly distribute, through donation, federal surplus property received by the state, to public agencies for the benefit of political subdivisions, and to certain nonprofit corporations - may collect service charges
- 54-44-04.6 Office of Management and Budget (OMB) - if surplus property is not disposed of by transfer at fair market value to state agencies, political subdivisions, and certain nonprofit corporations, it may be disposed of as follows: 1) if valued over \$3,000, dispose of by sealed bids or public auction to highest and best bidder or, 2) if valued at less than \$3,000, dispose of by sealed bids, public auction, or negotiation at fair value - OMB may establish a program to recycle and dispose of surplus property determined to be unsalable
- 54-44-14 Office of Management and Budget - may sell, lease, exchange, or transfer title or use of San Haven facilities and properties to the federal government or any public or private agency, organization, or business enterprise or any worthy undertaking - exempt from § 54-01-05.2

- 54-44.4-01 State agencies and institutions - shall obtain necessary commodities and services at competitive cost, consistent with quality, time, and performance requirements, except as otherwise provided by law
- 54-44.4-02 Office of Management and Budget (OMB) and state agencies to which authority to purchase has been delegated by OMB - OMB shall procure for all state agencies all materials, furniture, fixtures, printing, insurance, services, and other commodities, except those listed - OMB and state agencies must make purchases in accordance with this chapter, OMB rules, and OMB written policies
- 54-44.4-02.1 Office of Management and Budget (OMB) and state agencies or institutions - must comply with standards and guidelines for procurement of services established by OMB
- 54-44.4-03 Office of Management and Budget - may delegate to state agencies the authority to purchase certain items - delegation must specify what may be purchased and duration of the delegation
- 54-44.4-04 Office of Management and Budget - shall adopt rules necessary to administer the state purchasing under ch. 54-44.4 - certain written directives need not be adopted as rules

54-44.4-05

Office of Management and Budget (OMB) and procurement officers - except as otherwise provided in § 44-08-01, § 25-16.2-02, and this chapter, purchasing contracts must be awarded through bidding to the lowest responsible bidder considering conformity with specifications, terms of delivery, and quality and serviceability, unless it is determined to be advantageous to the state to select a contractor through a competitive proposal process using other or additional criteria - procurement officer may reject any or all bids or negotiate for a lower price with the successful bidder - OMB may enter into term contracts for the acquisition of commodities or services, and may make multiple awards for term commodity or service contracts when it is in the best interests of the state - all bids are exempt from the open records law until the date and time the bids are opened - OMB shall adopt rules specifying circumstances under which competition may be waived or limited, when negotiation may be used, and specifying the required justifications and procedures for using those methods of purchasing - OMB shall adopt rules related to sending notice of intent to make limited competitive, noncompetitive, and negotiated purchases - notice must describe needed commodity or service, the intended procurement method, and must state that vendors may submit bids or proposals for contracts to be awarded under this section

54-44.4-06

Office of Management and Budget (OMB) and institutions of higher education - definition and development of specifications - when it is determined to be impractical to initially prepare a purchase description to support an award based on price, a solicitation may be issued requesting the submission of unpriced offers to be followed by a competitive bidding or competitive proposal process limited to those bidders or offerors found to be qualified under the criteria set forth in the first solicitation

54-44.4-07

Office of Management and Budget (OMB), institutions of higher education, and state agencies to which authority to purchase has been delegated by OMB - are encouraged to purchase environmentally preferable products - where practicable, specifications for purchasing newsprint printing services should specify the use of soybean-based ink - in requesting bids for paper products, OMB must request information on the recycled content of such products - where practicable, biobased products should be specified - OMB and State Board of Higher Education shall develop guidelines for a biobased procurement program

54-44.4-08

Office of Management and Budget and any state agency that has authority to purchase products - shall ensure that at least 20% of the total volume of paper products being purchased contain at least 25% recycled material

54-44.4-09

Office of Management and Budget (OMB) and state agencies to which authority to purchase has been delegated by OMB - OMB shall maintain current lists of persons that desire to provide commodities or services to the state - every person that desires to bid or submit a proposal on contracts for commodities or services awarded under ch. 54-44.4 must be an approved vendor in order to be placed on the bidders list - OMB or purchasing agency shall use the list when issuing invitation for bids or request for proposals over the amount established for small purchases, except as otherwise provided in this section - OMB or purchasing agency shall use the list when sending notice of intent to make cooperative, limited competitive, noncompetitive, and negotiated purchases - procedure to become approved - procurement officer may authorize receipt of a bid or proposal from a vendor that is not on the list of approved vendors if the procurement officer makes a written determination that it is in the best interest of the state - the successful bidder or offeror must become approved before the award, but this approval requirement may be waived under certain circumstances - if two or more bids are identical, preference must be given pursuant to section 44-08-01.1, or preference must be given to approved vendors

- 54-44.4-10 Office of Management and Budget (OMB) and state agencies to which authority to purchase has been delegated by OMB - a contract for commodities or services may be entered by competitive sealed proposals when a determination is made that the use of competitive sealed bidding is either not practicable or not advantageous to the state - the request for proposal must state the relative importance of price and other factors and subfactors, if any - proposals are exempt from the open records law until an award is made - discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award - unless all proposals are rejected, award must be made to the responsible offeror whose proposal conforms to the solicitation and is determined, in writing, to be the most advantageous to the state, taking into consideration price and the evaluation factors set forth in the request for proposals - notice of award to be given to all offerors
- 54-44.4-11 Office of Management and Budget (OMB) and state agencies to which authority to purchase has been delegated by OMB - a procurement not exceeding the amount established by OMB or the State Board of Higher Education may be made in accordance with small purchase procedures - a small purchase need not be made through competitive sealed bidding or competitive sealed proposals, but small purchases must be made with competition that is practicable under the circumstances
- 54-44.4-12 Office of Management and Budget (OMB) and state agencies to which authority to purchase has been delegated by OMB - an interested party may protest the award of a contract, the notice of intent to award a contract, or a solicitation for commodities or services - process to deal with protest - decision by procurement officer - appeal to OMB of decision of procurement officer regarding protest

54-44.4-13

Office of Management and Budget (OMB) - OMB shall purchase commodities or services as requested by entities under the State Board of Higher Education and the legislative and judicial branches of state government - when OMB and State Board of Higher Education determine it is in the best interest of the state, OMB and entities under the State Board of Higher Education shall make joint purchases of like commodities or services of high common usage - if in best interest of the state, after considering price, contractual terms and conditions, and the availability of competition from approved vendors under section 54-44.4-09, OMB may agree to purchase commodities or services under contracts entered into by the United States general services administration or contracts of other government entities - OMB may participate in, sponsor, or administer a cooperative purchasing agreement with one or more government entities or a nonprofit organization established on behalf of public entities for the procurement of commodities or services in accordance with an agreement entered into between the participants - cooperative purchasing may include open-ended contracts that are available to other government entities or nonprofit organizations established on behalf of public entities - before entering into a cooperative purchasing agreement, OMB must determine that the contracts were awarded through full and open competition or source selection methods specified in section 54-44.4-05 and shall send notice to approved vendors of OMB's intent to make a cooperative purchase

54-44.4-14

Office of Management and Budget (OMB) and state agencies to which authority to purchase has been delegated by OMB - OMB shall establish and maintain a procurement information web site on the Internet - web site must provide current information regarding North Dakota government procurement opportunities to inform potential vendors of the commodities and services sought by state entities - notwithstanding § 54-44.4-09, for each purchase of services or commodities over the amount established for small purchases, OMB and every purchasing agency shall provide procurement information on the web site - the time period and manner of providing procurement information on the web site must be in accordance with OMB rules - OMB may contract with a third party to assist in providing or maintaining the procurement information web site - a state entity may use the procurement information web site for the purchase of services and commodities that are not subject to the procurement requirements of ch. 54-44.4, including those listed

54-44.7-01

State agencies - “architect, engineer, construction management, and land surveying services” includes incidental services, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, construction management, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services

54-44.7-02

State agencies - architect, engineer, construction management, and land surveying services must be procured as provided in ch. 54-44.7 - shall negotiate contracts for services on the basis of demonstrated competence and qualification for the particular type of services required

- 54-44.7-03 State agencies - each state agency shall establish its own architect, engineer, construction management, and land surveying services selection committee - committee shall, for each project, enumerate all required professional services, and prepare a formal invitation to firms for submission of information - invitation must be published and mailed upon request - committee shall hold interviews and evaluate each firm on certain criteria - committee shall select three firms, in priority order - committee shall submit report to governing body of state agency - agency determines finality of ranking report - governing body shall negotiate a contract for services with the most qualified firm at a compensation which is fair and reasonable to the state - if negotiations with the most qualified firm do not result in a satisfactory contract, negotiations with the next qualified firm must commence, etc.
- 54-44.7-04 State agencies - all state agencies securing architect, engineer, construction management, or land surveying services for projects for which the fees are estimated not to exceed \$25,000 may employ the architects, engineers, construction managers, and land surveyors by direct negotiation and selection, taking into account certain listed criteria - this procedure shall still follow state policy in ch. 54-44.7 - but fees to such firm may not exceed \$50,000 in the preceding year
- 54-44.7-05 State agencies - may not separate contracts for architect, engineer, and land surveying services or split or break projects for the purpose of circumventing the provisions of ch. 54-44.7
- 54-44.8-05 Information Technology Department - shall contract with a qualified provider to design and implement a telecommunications relay service that will allow persons who are communications-impaired to communicate via the telecommunications network with noncommunications-impaired persons - shall award this contract to the offeror whose proposal is the most advantageous to the state, considering certain listed criteria

- 54-52.1-04 Public Employees Retirement Board - shall receive bids for the providing of hospital benefits coverage, medical benefits coverage, life insurance benefits coverage, and employee assistance program services - may receive bids separately for retired medicare-eligible employee group prescription drug coverage - shall accept bid that best serves the interests of the state and its eligible employees - bids must be solicited by advertisement - consultants may be used in preparing bid proposals and evaluating bids - board shall consider certain listed factors when considering bids - may reject any or all bids and, in the event it does so, shall again solicit bids
- 54-52.1-04.1 Public Employees Retirement Board - notwithstanding § 54-52.1-04, the Board may contract with one or more health maintenance organizations to provide eligible employees the option of membership in a health maintenance organization
- 54-52.1-04.2 Public Employees Retirement Board - may establish a self-insurance plan for providing health insurance benefits coverage if the Board determines that self-insurance is less costly than the lowest bid submitted by a carrier for underwriting the plan with equivalent contract benefits - upon establishing a self-insurance plan, the Board shall solicit bids and the Board may negotiate an existing self-insurance contract during the interim - bids must be opened at public meeting
- 54-52.1-04.7 Public Employees Retirement Board - may establish a dental plan, a vision plan, or both, for eligible employees - shall receive bids pursuant to § 54-52.1-04 - may reject any or all bids and provide a plan of self-insurance
- 54-52.1-04.8 Public Employees Retirement Board - shall establish a long-term care plan for eligible employees - shall receive bids under § 54-52.1-04 - may reject any or all bids and provide a plan of self-insurance
- 54-52.1-04.9 Public Employees Retirement Board - shall establish an employee assistance program available to persons in the medical and hospital benefits coverage group - shall receive bids under § 54-52.1-04

- 54-59-05 Information Technology Department (ITD) and state agencies - ITD shall provide, supervise, and regulate information technology of all state agencies, excluding the institutions under the control of the Board of Higher Education - ITD may purchase, finance the purchase, or lease equipment, software, or implementation services, or replace, including by trade or resale, equipment or software
- 55-01-10 State Historical Society - upon authorization by the State Historical Board, the State Historical Society may transfer certain lands to another state agency in exchange for lands held by the other agency, and the other agency may make the necessary conveyance to transfer lands held by it to the State Historical Society to effect the exchange
- 55-10-11 State Historical Society, and state agencies and local governments - State Historical Society may transfer funds made available to the state to other state agencies, local governments, etc., for the acquisition of title or interests in and for the development of, any district, site, property, structure, or object significant in American history, architecture, archaeology, and culture
- 57-06-22 County sheriff - collection of delinquent taxes from public utilities - county treasurer shall collect such delinquent taxes in the same manner as provided in ch. 57-22 for the collection of delinquent personal property taxes - where collection is made by seizure and sale, the county sheriff must sell at public auction at county courthouse
- 57-14-08(2) Board of county commissioners - may order a reassessment of property for tax purposes - may select a special assessor by competitive bidding or a process determined by the board of county commissioners
- 57-22-04 County sheriff - collection of delinquent personal property taxes - when collection by distraint, sheriff shall take property and sell at public auction after posting notice
- 57-28-14 Counties - sale of lands received for nonpayment of taxes when lands not redeemed - notice of annual sale - sale to begin on third Tuesday of November

- 57-28-15 Counties - sale of lands received for nonpayment of taxes when lands not redeemed - annual sale - land sold at auction to highest qualified bidder for no less than minimum sale price fixed before the sale - unqualified bidder is one who owes delinquent taxes to any county
- 57-28-17 Counties - sale of lands received for nonpayment of taxes when lands not redeemed - between annual sales, lands may be sold at private sale - lands subject to a city's special assessment lien may be sold to that city for cash at any price agreed upon by the county and the city
- 57-28-17.1 Counties - sale of lands received for nonpayment of taxes when lands not redeemed - between annual sales, lands may be sold at private sale using real estate brokers and nonexclusive listing agreements - county may reject any and all insufficient offers - lands subject to a city's special assessment lien must first be offered for sale to the city
- 57-28-18 Counties - sale of lands received for nonpayment of taxes when lands not redeemed - lands sold at private sale between annual November sales - same terms and conditions as at annual sale - sale of farmland is subject to any existing lease for that year - notice to interested parties of right to repurchase farmland
- 57-28-20 Counties - sale of lands received for nonpayment of taxes when lands not redeemed - distribution of proceeds of public or private sale of lands
- 57-32-05 Tax Commissioner - taxation of express companies and air transportation companies - collection of delinquent taxes by seizure and sale at public auction to highest bidder, after public notice
- 57-39.2-12(3) Tax Commissioner - may require deposit of securities, which may be sold at public or private sale, without notice, if sales taxes or penalties are due and unpaid
- 57-40.2-07(8) Tax Commissioner - may require deposit of securities, which may be sold at public or private sale, without notice, if use taxes or penalties are due and unpaid
- 57-45-13 State officers charged with enforcement of payment or collection of taxes owed to the state - after notice, certified to sheriff for collection - sheriff shall destrain sufficient property belonging to taxpayer - after posting notice, sheriff shall sell property at public sale

- 57-51-12 Tax Commissioner - if oil and gas gross production tax is delinquent, Tax Commissioner shall direct sheriff to seize property - sheriff shall sell property, as upon execution - Tax Commissioner may bid at sale
- 57-61-01.5 Industrial Commission - shall adopt rules for submission and consideration of research, development, and marketing proposals and entering into contracts under the lignite research, development, and marketing program
- 58-03-16 Townships - sale of real property - if valued at less than \$1,000, it may be sold at private sale - otherwise, it must be sold at public sale, after published notice - notice must specify whether the bids are to be received at auction or as sealed bids - must be sold to highest bidder if deemed sufficient
- 58-13-04 Townships - if charges for impounded animals are not paid for and animals removed, poundmaster shall publish notice of public sale - shall sell animals to highest bidder
- 61-02-23.2 State Water Commission - may issue request for proposals to design and build Devils Lake outlet - may select proposal that is most advantageous to state - chs. 48-01.2, 54-44.7, and other laws requiring bidding do not apply if the design and build procedure is used
- 61-04.1-16 North Dakota Atmospheric Resource Board - application and issuance of weather modification operations permits - applicant must furnish performance bond required by § 61-04.1-34 and bid bond required by § 61-04.1-35
- 61-04.1-33 North Dakota Atmospheric Resource Board - contracts for licensed persons to engage in weather modification activities - when contract is over \$10,000 in any one year, the Board shall advertise for proposals - Board shall follow the manner and form of bidding required for the purchase of supplies by the Office of Management and Budget
- 61-04.1-34 North Dakota Atmospheric Resource Board - contracts for licensed persons to engage in weather modification activities - persons must provide surety bond or cash or negotiable securities for the faithful performance of the contract

- 61-04.1-35 North Dakota Atmospheric Resource Board - contracts for licensed persons to engage in weather modification activities - bids must be accompanied by a separate envelope containing a bidder's bond or cash or negotiable securities in a sum equal to 5% of the bid
- 61-07-09 Irrigation districts - board of directors shall secure bids for irrigation works as provided in ch. 48-01.2 - contracts for purchase of materials awarded to lowest and best bidder - person awarded bid shall furnish a performance bond in an amount at least equal to the contract price - this section does not apply to contracts with United States agencies or the State Water Commission
- 61-11-09 Irrigation districts - dissolution - board of directors shall publish notice of sale of irrigation district's property and shall receive sealed bids - board of directors shall open and consider all bids, and may reject any and all bids which do not offer a fair and just consideration
- 61-11-10 Irrigation districts - dissolution - if all bids are rejected, board of directors, by private negotiation, may sell and convey the property
- 61-12-25 County boards of flood irrigation - shall advertise bids in accordance with ch. 48-01.2 for the construction of all work required for its projects, as shown by the plans and specifications on file
- 61-16.1-14 Water resource districts - if cost of construction or maintenance of a project does not exceed the amount provided for construction of a public improvement under § 48-01.2-02, the work may be done on a day work basis or a contract may be let without being advertised - if cost of construction or maintenance exceeds the amount provided for construction of a public improvement under § 48-01.2-02, board must let contract in accordance with ch. 48-01.2
- 61-16.1-44 Water resource districts - board may advertise for bids to supply culverts and pipe arches and may accept one or more low bids - board may utilize bids for such materials received by the county within which the board has jurisdiction and may accept one or more low bids - board may then purchase materials from the accepted low bidder or bidders for a period of one year

- 61-21-25 Water resource districts - board shall let contracts for the construction of the drain, culverts, bridges and appurtenances thereto, or portions thereof in accordance with ch. 48-01.2
- 61-21-26 Water resource districts - board may relet unfinished portion of contract to lowest responsible bidder and shall take security
- 61-21-27 Water resource districts - levies and assessments for drain - § 61-21-52 applies
- 61-21-30 Water resource districts - additional assessment to meet deficit or additional expense - § 61-21-52 applies
- 61-21-32.1 Water resource districts - board may advertise for bids to supply culverts and pipe arches and may accept one or more low bids - board may utilize bids for such materials received by the county within which the board has jurisdiction and may accept one or more low bids - board may then purchase materials from the accepted low bidder or bidders for a period of one year
- 61-21-45 Water resource districts - if cost of any work of cleaning out or repairing any drain, or system of legal drains, if more than one cleaning or repair project is carried on under one contract, does not exceed the amount provided for construction of a public improvement under § 48-01.2-02 in any one year, the work may be done on a day work basis or a contract may be let without being advertised - if the cost of such work exceeds the amount provided for construction of a public improvement under § 48-01.2-02 in any one year, a contract must be let in accordance with ch. 48-01.2 - bidding may be waived if board determines that an emergency exists requiring the prompt repair of a project
- 61-21-52 Water resource districts - assessments for drains - special drain taxes shall be collected and enforced in the same manner as for other taxes provided in title 57 - if no satisfaction of tax lien is made, the affected property shall pass absolutely to the board on foreclosure of tax lien upon proper payment, and may thereafter be sold by the board at public sale

- 61-24.3-03.1 State Water Commission - contracts for the purchase of pipeline materials, labor, or services regarding the construction of the Southwest Water Pipeline Project - must be awarded to North Dakota resident pipeline manufacturers and bidders for labor and services making the lowest responsible bids if those bids do not exceed by more than 5% the lowest responsible bid submitted by a nonresident pipeline manufacturer or bidder for labor or services - this section does not apply to certain federal contracts, contracts covered under ch. 48-01.2, or to architect, engineer, professional right of way, and land surveying services
- 61-24.3-10 State Water Commission - may sell, transfer, or exchange property acquired for the southwest pipeline project that is not necessary - § 54-01-05.2 does not apply
- 61-35-13 Water districts - if cost of construction or maintenance of a project does not exceed the amount provided for construction of a public improvement under § 48-01.2-02, the work may be done on a day work basis or a contract may be let without being advertised - if cost of the construction or maintenance exceeds the amount provided for construction of a public improvement under § 48-01.2-02, the lowest and best bid must be accepted - board must comply with §§ 61-35-88 through 61-35-103 when bidding a project - bidding may be waived if board determines an emergency exists requiring the prompt repair of a project
- 61-35-59 Water districts - if less than 50% of the landowners vote against the project, it may proceed - shall comply with §§ 61-35-88 through 61-35-103 unless there is an agreement that a party other than the board will let the contract
- 61-35-88 Water districts - proposals for the work of making improvements over the amount provided for construction of a public improvement under § 48-01.2-02 must be advertised - board may combine two or more improvements and award one contract - contents of advertisement for bids
- 61-35-89 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - bids must be accompanied by a separate envelope containing a bidder's bond in the amount of 5% of the bid

- 61-35-90 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - bidder's bond may be provided by a surety company or by a bank letter of credit, a cash bond, or a certified check
- 61-35-91 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - contents of bidder's bond - must provide that the bidder awarded the contract will execute a contract bond in a sum equal to the amount of the bid and a contract to complete the work and pay for all labor and materials
- 61-35-92 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - bids must be sealed and have a statement on the outside of the envelope indicating what work the proposal is for - only bids accompanied by a bidder's bond provided for in § 61-35-89 may be considered
- 61-35-93 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - after being opened, bids must be entered upon meeting minutes and preserved by secretary
- 61-35-94 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - board may reject any and all bids - if all bids are rejected, board may: 1) readvertise for new bids, 2) cause the work to be done directly by the water district or in any other manner provided the improvement is no more than the amount provided for construction of a public improvement under § 48-01.2-02, or 3) cause the work to be reevaluated by the engineer for the district so the board may determine whether the entire project or only a portion of the project is feasible
- 61-35-95 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - before adopting or rejecting any bid, the board shall require the district's engineer to estimate the cost of the work - board may not award the contract to any bidder if the engineer's estimate exceeds the engineer's previous estimate by 40% or more - if all bids are not rejected, board shall award contract to lowest responsible bidder

- 61-35-96 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - successful bidder shall file with the district a contract bond in a sum equal to the full amount of the contract - bond must be executed by contractor and by surety company
- 61-35-97 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - contents of contractor's bond - must provide that the contractor will perform the work and pay for all labor and materials - recovery under the contractor's bond
- 61-35-98 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - contractor's bond must be approved by governing body - upon execution of contract and approval of contractor's bond, bidder's bond must be returned
- 61-35-99 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - if successful bidder does not execute contractor's bond and a contract, the board may cause the work to be done, or it may contract with some other contractor to do or complete the work - district may recover on the defaulting bidder's bond
- 61-35-100 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - if board, at any time, deems the bond of a contractor insufficient, it may require the contractor to furnish a new bond - effect of failure to furnish new bond
- 61-35-102 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - contract must provide that the board has the right to suspend work for improper construction and to relet the contract or order reconstruction - district's engineer shall provide construction administration and observation of the work during its progress - after contract is awarded and before work is completed, a district, without advertising for bids, may order additional work done by that contractor of the same character as the work that was contracted for provided the additional work does not exceed 20% of the amount estimated by the district's engineer to be payable for that character of work under the original contract

- 61-35-103 Water districts - improvements over the amount provided for construction of a public improvement under § 48-01.2-02 - payment of contractor - retainage of 10% of estimates until project is 50% complete - final payment following completion and acceptance of the project - investment of retainage
- 62.1-01-02 Law enforcement agencies - weapon used to commit a felony or misdemeanor involving violence or intimidation, unless stolen, may be, pursuant to court order, sold at public auction, sold or traded to other law enforcement agencies or authorized firearm dealers, retained for use, or destroyed
- 62.1-05-01 Law enforcement agencies - a weapon seized for unlawful purchase, sale, or possession may be sold at public auction, retained for use, or destroyed pursuant to the court's order
- 65-02-21 Workers Compensation Bureau - may contract for the services of a third-party administrator to implement a managed care program by soliciting bids - Bureau shall award contract to bidder who will best serve the interests of the Bureau and the employees - contract must be for the period of a biennium - Bureau may renew, renegotiate, or rebid a contract based upon contract performance, cost, and the best interests of an employee who suffers a compensable injury
- 65-05.1-06.2 Workers Compensation Bureau - may contract with vocational rehabilitation vendors to provide vocational rehabilitation services to claimants - Bureau may contract with the vendor for additional services