

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

SENATE BILL NO. 2265
(Senators Krebsbach, Burckhard, Mathern)
(Representatives Bellew, Ruby, Thoreson)

AN ACT to create and enact two new sections to chapter 25-16.2 of the North Dakota Century Code, relating to a statement of purpose and work activity center contracts; and to amend and reenact sections 25-16.2-01 and 25-16.2-03, subsection 1 of section 54-44.4-05, and subdivision e of subsection 2 of section 54-44.4-05 of the North Dakota Century Code, relating to work activity centers and procurement of services by state agencies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 25-16.2 of the North Dakota Century Code is created and enacted as follows:

Purpose.

It is in the public interest to advance employment opportunities to individuals with disabilities so that those individuals may acquire job skills and training and gain greater independence and quality of life. This state is committed to promoting self-sufficiency, integrating individuals with disabilities into our communities, and maximizing the earning potential of individuals with disabilities.

SECTION 2. AMENDMENT. Section 25-16.2-01 of the North Dakota Century Code is amended and reenacted as follows:

25-16.2-01. Work activity center - Definition.

As used in this chapter "work activity center" means a facility, licensed by the department of human services, which is located in the state and operated by a nonprofit corporation organized for the primary purpose of employing and providing rehabilitative activities for physically handicapped, developmentally disabled, and chronically mentally ill persons individuals with physical disabilities, developmental disabilities, or chronic mental illnesses.

SECTION 3. AMENDMENT. Section 25-16.2-03 of the North Dakota Century Code is amended and reenacted as follows:

25-16.2-03. Contract requirement.

Any contract awarded pursuant to this chapter must be in writing and must be made available by the purchasing party to any person upon request. The contract must include the purchase price, the quantity of product commodity or service purchased, and the time period for which the product commodity or service will be provided.

SECTION 4. A new section to chapter 25-16.2 of the North Dakota Century Code is created and enacted as follows:

Direct purchase from work activity centers.

If acceptable commodities or services are produced or provided by a work activity center at fair market price, any state entity or political subdivision may enter a contract to purchase directly from the work activity center without obtaining competition.

SECTION 5. AMENDMENT. Subsection 1 of section 54-44.4-05 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided in ~~sections~~section 44-08-01 and 25-16.2-02, chapter 25-16.2, and in this chapter, purchasing contracts must be awarded through a competitive bidding process 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. The procurement officer may reject any or all bids or negotiate for a lower price with a successful bidder. Each bid received, with the name of the bidder, must be recorded. The office of management and budget 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 deems a multiple award to be in the best interests of the state. All bids received under this chapter pursuant to a competitive sealed bid are exempt records under subsection 5 of section 44-04-17.1 until the date and time the bids are opened.

SECTION 6. AMENDMENT. Subdivision e of subsection 2 of section 54-44.4-05 of the North Dakota Century Code is amended and reenacted as follows:

- e. Acceptable commodities or services are produced or provided by correctional institutions or other government agencies or a work activity center as defined in section 25-16.2-01.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2265.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 55 Nays 27 Absent 2

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State