SUBJECT: BID OPENING PROCEDURE (EXCLUDING ROADS)

ADOPTED DATE: FEBRUARY 4, 2008 PAGE 1 OF 2

NDCC 11-11-26. WHEN BOARD SHALL ADVERTISE FOR BIDS.

"Except as provided in chapters 48-01.2, when the amount to be paid during the current year for the erection of county buildings or for election ballots and supplies exceeds ten thousand dollars, the board of county commissioners shall cause an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as it shall deem advisable. The first publication shall be made at least fifteen days prior to the day set for the opening of the bid. For the purchase of fuel when the amount exceeds four thousand dollars, the board of county commissioners shall seek bids either by telephone solicitation from at least two suppliers, or by an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in other newspapers as the board deems advisable."

NOTE: THIS SECTION DOES NOT APPLY TO BIDS FOR COUNTY ROAD AND BRIDGE PURPOSES. A SEPARATE SECTION, NDCC 24-05-04, COVERS COUNTY ROAD BID PROCEDURES. THE NORTH DAKOTA ATTORNEY GENERAL'S OFFICE HAS COMPILED A "CONTRACT DRAFTING AND REVIEW MANUAL" WHICH SETS FORTH GENERAL PRINCIPLES APPLICABLE TO COUNTY CONTRACTS REQUIRING COMPETITIVE BIDDING. THE MANUAL IS AVAILABLE ON THE ATTORNEY GENERAL'S WEBSITE.

NDCC 11-11-27. Contents of advertisement -- When bids may be opened -- Lowest bidder accepted.

"The advertisement shall state what supplies are required or where the plans and specifications may be examined, the time allowed for the completion of the examination, and when the bids will be opened and passed upon by the board of county commissioners. The bids may be opened and passed upon at a regular or adjourned session of the board, or at a meeting called by the county auditor as provided in section 11-11-05. The bid of the lowest responsible bidder shall be accepted, but the board shall have power to reject any or all bids."

NDCC 11-11-28. BID MUST BE ACCOMPANIED BY A BOND -- WHEN CERTIFIED OR CASHIER'S CHECK ALLOWED.

"A bid shall be accompanied by a separate envelope containing a bidder's bond in a sum equal to five percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state as a guarantee that the bidder will enter into the contract if it is awarded to the bidder and that the bidder will furnish the necessary bond. When the bid is ten thousand dollars or less, the bidder may, in lieu of such bond, accompany the bid with a separate envelope containing a certified or cashier's check equal to five percent of the full amount of the bid made payable to the board, with authority and direction to the board that if the bidder is successful in obtaining the award and fails to enter into the contract, the board may endorse, deposit, and receive the face amount of the certified or cashier's check as liquidated damages."

When a department head is legally required to advertise for bids or proposals on products or services, the procedure will be as follows: Bids are opened in the County Auditor's Office at 10:00 AM, generally on Mondays preceding a Commission meeting. Bids or proposals are then referred to department heads for tabulation and recommendation to the Commission. Bids or proposals can be coordinated with the County Auditor and placed on the Commission agenda when ready for action. The County reserves the right to reject any and all bids or proposals.

A suggested motion might be as	s follows: Move to approve the bid from	in
the amount of \$	for the purchase of/or services specified.	This bid meets all
statutory requirements and is in	n the County's best interest.	

In the event that the Board does wish to reject any or all bids, the suggested motion is as follows: Move to reject all bids for the purchase of/and or services specified as they do not meet statutory requirements and are not in the county's best interest.

HISTORICAL REFERENCE DATE: MAY 4, 1992

FEBRUARY 21, 2006