Prepared by the Legislative Council staff for
Senate Government and Veterans Affairs
Committee

February 4, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2162

Page 1, line 10, replace "Notwithstanding any other provision of law, the" with "The"

Page 1, line 10, remove "may not"

Page 1, line 11, replace "restrict communication between a" with "shall develop guidelines for a person interested in conducting business with the state. The guidelines must address communications between interested persons and purchasing agencies before, during, and after the procurement process. Procurements conducted by the office of management and budget or a purchasing agency must have a procurement officer who serves as the point of contact for all correspondence related to the procurement. A"

Page 1, line 12, after "bid" insert "or proposal"

Page 1, line 12, replace "and any" with "in response to an active procurement should ensure all communications related to the procurement are only with the designated point of contact. This section does not restrict an interested person's communication with"

Page 1, line 12, replace "official" with "officials"

Page 1, line 13, after "assembly" insert "unless the state official or member of the legislative assembly is involved directly with the procurement for which the person is interested or has submitted a bid or proposal"

Page 1, line 13, remove "This section does not apply to communication with a state official directly"

Page 1, remove line 14

Page 1, line 17, after "budget" insert "or a purchasing agency"

Page 1, line 21, remove the underscored colon

Page 1, line 22, remove "(1)   Be"

Page 1, line 22, overstrike "made with the level of" and insert immediately thereafter "treat all bidders fairly and promote"

Page 1, line 22, after "competition" insert "as is"

Page 1, line 24, replace "(2)   Include a" with:

      "b.   The procurement file must contain a"

Page 1, line 24, overstrike the first "the" and insert immediately thereafter: ".

            (1)   The"

Page 2, line 1, replace "(3)   Include a written explanation of the" with:

      "(2)   The basis for the"

Page 2, line 2, remove "which"

Page 2, line 2, overstrike "must be included"

Page 2, line 2, remove "retained"

Page 2, line 2, overstrike "in the contract file"

Page 2, replace lines 3 through 5 with:

> "c.   If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.
>
> d.   If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.
>
> e.   If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications."

Page 2, line 8, remove " **- Commodity**"

Page 2, line 9, replace "shall pay" with "and"

Page 2, line 9, after "vendor" insert "may negotiate payment terms"

Page 2, line 9, remove "within thirty days of receipt"

Page 2, line 10, replace "of an invoice" with "and services procured"

Page 2, line 10, after the underscored period insert "If a date for payment is not specified by the contract, payment must be made pursuant to section 13-01.1-01."

Page 2, line 13, remove "bid"

Page 2, line 15, remove "The procedure must minimize the length of a"

Page 2, remove line 16

Page 2, line 17, replace"or service sought" with "The office of management and budget, in consultation with the office of the attorney general, shall develop standardized solicitation documents. The documents must be made available on the procurement information website. When drafting a solicitation, the office of management and budget and purchasing agencies shall use their best efforts to minimize the length of the solicitation by ensuring only those sections from the standardized solicitation documents applicable to the procurement are included"

Renumber accordingly