

Purchasing Pulse: Legislative Summary

The following is a summary of legislation impacting Procurement:

[HB 1081](#) This bill had an emergency provision and was effective on March 19, 2025. This bill repeals two sections of law related to:

- Fixed Assets – The current \$5,000 capitalization will remain in effect thru June 30, 2025. OMB Fiscal policy 205 will be updated for July 1, 2025.
- Lease vs Purchase Analysis – This analysis is no longer required. OMB Fiscal Policy 312 and the State Procurement Manual are updated.

[HB 1122](#) This bill amends several sections of law related to State Procurement:

- Section 1 amends open records laws related to bids and proposals.
- Section 2 amends definitions to add “information technology” under section 54-59-01.
- Section 3 amends section 54-44.4-02 related to IT procurements, including those not subject to competition requirements of the chapter are subject to requirements of chapter 54-59 and IT policies, standards, and guidelines. The Department of Health and Human Services training exemption was expanded. A new exemption for direct media placement was added.
- Section 4 amends section 54-44.4-05 and adds new noncompetitive authority for recurring costs for software or firmware associated with currently owned equipment. The exemption for purchase for libraries was expanded to include libraries operated by state agencies, higher education, and other public libraries.
- Section 5 amends soybean ink law to eliminate outdated requirements.
- Section 6 amends the Bidders List law to create authority to require registration as a requirement to submit a solicitation response.
- Section 7 amends Secretary of State registration requirement to change “before the contract award” to “before the contract execution.”
- Section 8 amends protest and appeal law to allow electronic mail communication to respond to a vendor’s protest or appeal, create authority for an extension with notice to the vendor, and add language related to higher education authority to establish policy.
- Section 9 amends cooperative purchasing laws related to higher education institutions.
- Section 10 amends the Procurement Information Website section to allow OMB to make the website available to local government.
- Section 11 creates and enacts a new section related to purchases from state contracts by state officials and employees.
- Section 12 creates and enacts a new section related to multiple award vendor pool contracts. The Office of Management and Budget (OMB), in coordination with North Dakota Information Technology (NDIT) and North Dakota University System (NDUS), must develop guidelines. Guidelines must establish competition thresholds. Vendor pool contracts may not exceed a total contract length of five years, including renewals and extensions, unless prior approval is obtained as set forth in the guidelines.

[HB 1142](#) This bill amends N.D.C.C. Section 32-12.2-02 related to limitation of liability of political subdivisions and the state.

[HB 1198](#) This bill is related to cooperative purchasing for park districts.

[HB 1269](#) This bill creates an exemption for the Center for Distance Education.

[HB 1329](#) This bill creates a study for a state spending database.

[SB 2048](#) This bill amends laws in 54-59 related to information technology planning.

[SB 2049](#) This bill amends laws related to major information technology projects for state agencies (not NDUS institutions).

- Amends N.D.C.C. Section 54-35-15.2 which defines a major IT project for state agencies.
- Estimated total cost of \$5 million or more;
- Requires one year or longer to reach operational status;
- Requires oversight due to its potential benefits, risk, public impact, visibility, or another significant reason.
- Amends N.D.C.C. section 54-59-32.

[SB 2069](#) This amends the laws related to publication of legal notice in the newspaper and on the website maintained by the North Dakota Newspaper Association. Note: this does not change any requirements to publish legal notices in the newspaper.

- A state agency may request immediate publication of a notice on the North Dakota newspaper association public notice website and the North Dakota newspaper association must provide an affidavit of the posting.
- The posting is considered legal notification if a newspaper fails to publish the legal notice in the newspaper.
- A notice required by law which is published on a statewide legal notices website maintained by the North Dakota newspaper association or on a website maintained by the proper governmental unit, fulfills the publication requirement if a newspaper fails to publish the notice required by law in the newspaper.

[SB 2072](#) This amends the laws related to contracts limiting the liability of the state ("Click Thru"). This law enacted last session created authority to make a purchase when the contractual terms are inconsistent with law, if the agency, in consultation with the attorney general's office and the office of management and budget, determines the purchase poses no reasonable risk that an improper contractual obligation will be imposed against the agency or of loss that cannot be limited under this section given the nature of the product's intended use, including data and system security. This bill changes the purchase limit from \$1,000 to \$20,000 for what products can be considered routine or standardized products.

[SB 2084](#) This bill amends laws related to reimbursement of lodging and travel by state employees and officials.

[SB 2353](#) This bill amends laws related to the regional educational association to allow direct purchases by the Department of Public Instruction.

If you have questions about legislation, please [contact the State Procurement Office](#) or call Sherry Neas, Shared Services Division Director, at 701-328-1726.