



Office of Management and Budget
Guidelines to Vendor Registration

N O R T H
Dakota
Be Legendary.

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1 BIDDERS LIST REGISTRATION

The Office of Management and Budget (OMB) maintains a Bidders List of individuals and businesses that are interested in doing business with the State (N.D.C.C. § 54-44.4-09). The Bidders List is part of the State Procurement Online System (SPO Online).

Effective August 1, 2023, Bidders List laws were changed to remove ND Secretary of State registration requirements. If an individual or business is a successful bidder, they must comply with ND Secretary of State registration requirements before contract award. Registration must remain active for the duration of the contract period. (See N.D.C.C. § 54-44.4-09 and N.D.C.C. § 54-44.4-09.1).

The Bidders List may be used for micro and small purchases. State agencies and institutions are required to use the Bidders List when making formal sealed purchases and issuing notices, unless receiving approval to make a noncompetitive or limited competitive purchase, which is called an alternate procurement. State agencies use the Alternate Procurement Request SFN 51403.

Bidders List application process:

- Access the Bidder Registration application on the OMB website.
- Provide requested identifying information, addresses, and contacts. Provide the email address to receive solicitation notices. The State recommends using a generic email address for receiving solicitation notices.
- Select commodity codes for the goods and services to determine which solicitation notices you will receive. Some goods and services may have more than one commodity code (ex. marketing, public relations, and advertising).
- You receive a system generated email with a user ID and password, which expires after 5 days.
- User authorization process must be completed within 5 days of account set up.
- When your application is approved, you will receive email notices for those solicitations for your selected commodity codes.
- Keeping the Bidders List profile updated is important to ensure you continue to receive notices. Login to the Portal to review and update bidder information.

For more detailed Bidders List information, contact State Procurement Help Desk at 701-328-1728 or infospo@nd.gov.

1.1 ND SUSPENDED AND DEBARRED BIDDERS

Under state procurement rules, vendors may be subject to suspension or debarment from the Bidders List for cause. N.D.A.C. § 4-12-05 contains the rules that pertain to suspension or debarment from the Bidders List. Visit the OMB website the list of suspended and debarred bidders. Contact the State Procurement Office at 701.328.1728 with questions.

1.2 FEDERAL SUSPENDED AND DEBARRED VENDORS

Many state agencies and institutions cannot do business with vendors that have been suspended or debarred by the Federal government. Many solicitations also evaluate the experience and qualifications of vendors, including whether the vendor has been suspended or debarred. Search the federal list of suspended and debarred vendors.

2 ND SECRETARY OF STATE BUSINESS REGISTRATION REQUIREMENTS

State law requires a person that has a registration requirement with the North Dakota (ND) Secretary of State must be registered before the contract award and the registration must remain active for the duration of the contract period (N.D.C.C. § 54-44.4-09.1). The solicitation templates inform the vendors that registration with the ND Secretary of State may be required.

When the successful vendor is selected for an award, the vendor must work with the procurement officer and the ND Secretary of State to determine whether there is a registration requirement.

Determining Registration Requirements. Not all vendors or circumstances require ND Secretary of State registration, so procurement officers should become familiar with the exemptions and consult the ND Secretary of State for situational guidance.

If there is no ND Secretary of State registration requirement, proceed with contract award (e.g. execution of the contract, issuance of a purchase order, or placing an order using a purchasing card).

If there is a ND Secretary of State registration requirement, the vendor must complete the registration process before the contract can be signed, purchase order issued, or purchasing card transaction completed.

Notifying the Successful Vendor. The solicitation documents inform all vendors of the ND Secretary of State registration requirement law. Use OMB State Procurement templates to inform the vendor(s) selected for award about the ND Secretary of State registration requirement.

- Notice of Intent to Award
- Letter of Instruction for Successful Offeror or Bidder

Visit the [Business Records Search](#) to determine if vendors are already registered with the ND Secretary of State.

Registration Requirements - Exceptions. Registration requirements with the ND Secretary of State are based upon the business type and circumstance of the business being transacted and not tied to any specific dollar amount. ND Secretary of State uses the terms "domestic" for North Dakota vendors and "foreign" for out-of-state vendors. For specific registration requirements, please contact the ND Secretary of State.

North Dakota vendor (domestic) and out-of-state vendor (foreign) circumstances that do not require registration:

- The vendor is a sole proprietor doing business in his or her personal name, with or without a modifier (e.g., "Joe Smith" or Joe Smith Painting"), unless that vendor will also be auctioneering.
- The vendor is a sole proprietor doing business using his or her surname as part of the business name and a specialized license or permit is not required. For example, "Smith Building" would need to register if the business is required to obtain a contractor's license. Visit the [NDSU Extension Service Center for Community Vitality](#) website for more information on required licenses and permits.
- The vendor is a general partnership, and the full names of all partners are disclosed in the partnership name, such as, "Joe Smith and Tom Dooley Construction".

Out-of-state (foreign) vendors also have these additional registration exceptions:

- The scope of work is limited to the out-of-state vendor shipping goods into North Dakota by common carrier.
- The scope of work does not require the out-of-state vendor to physically come to North Dakota, and no licenses or permits are required by North Dakota law or other ordinance. Contact your Assistant Attorney General for questions regarding required licenses or permits.
- The scope of work requires the out-of-state vendor to physically come to North Dakota, but the work will be completed within 30 days or less, the project is an isolated transaction for the vendor, and no licenses or permits are required by North Dakota law or other ordinance (e.g., an out-of-state vendor has never been in the state before and provides a one-day seminar in North Dakota).

Contact the ND Secretary of State, Business services at 701-328-2900 (choose menu item 2, then option 1) or sosbir@nd.gov for assistance.

2.1 REGISTERED AGENT

- A registered agent's primary purpose is to accept service of process (notifications of legal action against a business) on behalf of the entities it represents. A business entity registered with the ND Secretary of State must continuously maintain a commercial or noncommercial registered agent, whose physical and mailing address must be within the state of North Dakota.
- A registered agent may be:
 - An individual residing in the state of North Dakota,
 - A domestic or foreign corporation registered with the ND Secretary of State and having a business office in North Dakota, or
 - A domestic or foreign limited liability company registered with the ND Secretary of State and having a business office in North Dakota.
- An entity cannot serve itself as registered agent (e.g., ABC, LLC cannot be the registered agent for ABC, LLC).
- Service of process is the formal delivery of any legal notice, process, or demand against a business. A registered agent ensures each service of process is properly received and forwarded to the business organization. No lawsuit can begin until the party being sued receives service of process.
- Failing to maintain a registered agent will lead to the business being placed in Not Good Standing status with the ND Secretary of State, and potentially result in involuntary termination or withdrawal of the business.
- In the event that a state agency decides to do business with a vendor that has not registered with the ND Secretary of State and therefore, does not have a registered agent, the agency must be aware of the potential risk and losses to which it is exposing the State.
 - When a vendor does not have a registered agent, there is no official representative for accepting service of process on behalf of the business.
 - Remedies to enforce the contract become extremely limited, if not eliminated altogether.
 - This can result in increased costs and time to the State in its attempt to recover losses; or the State may not have any remedies available and will be forced to absorb the entire loss that results from the contract.

2.2 COMMON BUSINESS TYPES

ND Secretary of State application and fees are based on business types. The term “domestic” refers to in-state and “foreign” refers to out-of-state and out-of-country.

- Sole Proprietor – Any person that engages in business under a trade name must register that name with the ND Secretary of State. Auctioneers are required to register with the ND Secretary of State, even if a sole proprietor is doing business in his or her own personal name.
 - No registered agent is required
- Domestic Corporation/Limited Liability Company (LLC)
 - A domestic corporation must be active and have Articles of Incorporation on file with the ND Secretary of State
 - A domestic LLC must be active and have Articles of Organization on file with the ND Secretary of State
 - A registered agent must be continuously maintained in North Dakota
- Foreign Corporation/Limited Liability Company (LLC)
 - A foreign corporation must be active and file a Foreign Corporation Certificate of Authority Application with the ND Secretary of State
 - A foreign LLC must be active and file a Foreign Limited Liability Company Certificate of Authority Application with the ND Secretary of State
 - Both application types must be supported by a certificate of good standing or certificate of existence and active status
 - A registered agent must be continuously maintained in North Dakota
- General Partnership – a general partnership that engages in business under a fictitious name must register a Fictitious Partnership Name Certificate with the ND Secretary of State
 - No registered agent is required
- Visit the ND Secretary of State’s [Vendor Registration](#) page for more information.

2.3 TRADE NAME/FRANCHISE NAME

- **Trade Name:** a name assumed to identify the business or activities of an individual or organization, and is often referred to as a “doing business as” or “DBA” name. A trade name is used by sole proprietor doing business under a name other than his or own personal name, or by a business doing business under a name other than the business’s registered name.
- **Franchise Name:** a name to which an independent operator has secured the rights from a franchiser or licensor to use and distribute products and services, techniques, and trademarks for a percentage of sales or royalty fees.
- Visit the ND Secretary of State’s [Trade Name/Franchise Name](#) page for more information.

3 LICENSES AND PERMITS

- **Business Reports, Forms and Licenses Required in the State of North Dakota**
 - Each business has reports, licenses, or permits that are unique to that particular business.
 - Visit the [NDSU Extension Service Center for Community Vitality](#) website for information on required licenses and permits.
- **Contractors**
 - A contractor is any person engaged in the business of construction, repair, alteration, dismantling or demolition of bridges, highways, roads, streets, buildings, airports, dams, pipelines, and every other type of structure, project development, or improvement coming within the definition of real or personal property, including the construction, alteration, or repair of property to be held either for sale or rental and shall include subcontractor, public contractor and nonresident contractor.

- No person may engage in the business nor act in the capacity of a contractor within North Dakota when the cost, value, or price per job exceeds the sum of \$4,000 without first having a license.
- Visit the ND Secretary of State's [Contractors](#) page for more information.

4 PAYEE REGISTRATION

Any individual or business who needs to receive payment from a state agency or higher education institution must obtain a Supplier ID by completing a registration process which collects important financial and taxpayer information. Payments are generally made by check or automatic clearing house (ACH), and taxpayer information must be collected in compliance with IRS requirements.

The State and North Dakota University System (NDUS) have separate financial systems and vendor registration processes.

4.1 STATE PAYEE REGISTRATION

Suppliers must work directly with the agency's program administrators to get instruction to request a Supplier ID and receive payment. Vendor Registry does not issue payments.

Suppliers: for further instruction, contact the agency issuing your payment or visit the [Register as Payee website to obtain forms required by the agency](#).

State Agencies: Visit Team Connect for information about [paying suppliers](#).

4.2 ND PAYEE PORTAL

The [ND Payee Portal](#) may be used by payment recipients, both businesses and individuals, approved to receive payment. The online application offers a method to collect required IRS W-9 or W-8 forms, address, and payment details. Once a supplier ID account has been created, the portal offers a sign in option for allowed users to keep their payee profile current with address, contact, and banking changes.

4.3 HIGHER ED PAYEE REGISTRATION

To become a supplier with a NDUS campus, work directly with that campus. The campus will need the required IRS W-9 or W-8 forms. All NDUS campuses have the same supplier system, therefore the supplier must only register with one campus. Once a payment is made to a supplier, that supplier stays active for 36 months. Once a supplier is inactive, a new W-9 or W-8 will be required to reactivate.