

N.D. Cent. Code §§ 45-21-01 through 45-21-08: Conversions and Mergers

Provides conversion and merger requirements for partnerships.

N.D. Cent. Code §§ 10-19.1-01, 10-19.1-96 through 10-19.1-104.6: North Dakota Business Corporation Act

Provides the requirements of mergers and conversions of business corporations under the North Dakota Business Corporation Act.

N.D. Cent. Code §§ 45-10.2-02, 45-10.2-94 through 45-10.2-106: North Dakota Uniform Limited Partnership Act

Provides the requirements of mergers and conversions partnerships under the North Dakota Uniform Limited Partnership Act

N.D. Cent. Code § 54-44.4-01. Declaration of policy – Definitions: State Purchasing

Practices

It is state policy to provide comprehensive purchasing services based upon sound procurement practices and principles wherein, through full competition with fair and equal opportunity to all qualified persons to sell to the state, each state agency and institution shall obtain its necessary commodities and services at competitive cost, consistent with quality, time, and performance requirements, except as otherwise provided by law.

N.D. Cent. Code § 54-44.4-05. Competitive, limited competitive, noncompetitive, and negotiated purchases – Exempt records: State Purchasing Practices

Except as otherwise provided in section 44-08-01, chapter 25-16.2, and 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.

N.D. Cent. Code § 54-44.4-06. All purchases to be made in accordance with specifications – Multistep sealed bids: State Purchasing Practices

1. For purposes of this chapter, specification means a description of all required physical, design, performance, functional, and other characteristics of a commodity or service the purchaser requires and, consequently, what a bidder must offer. The office of management

and budget and institutions of higher education shall develop similar specifications for purchases of commodities and services of high common usage. State agencies and institutions shall provide such assistance as may be requested by the office of management and budget and the institutions of higher education in the development of specifications. The office of management and budget and the institutions of higher education shall implement such procedures as are necessary for the inspection, testing, and acceptance of commodities or services to determine that those received are in conformity with contract specifications.

2. When it is determined to be impractical to initially prepare a purchase description to support an award based on price, a solicitation may be issued requesting the submission of unpriced offers to be followed by a competitive bidding or competitive proposal process limited to those bidders or offerors found to be qualified under the criteria set forth in the first solicitation.

N.D. Cent. Code § 54-44.4-09. Approved vendors: State Purchasing Practices

The office of management and budget shall establish and maintain current lists of persons that desire to provide commodities or services to the state. Every person that desires to bid or submit a proposal on contracts for commodities or services awarded under this chapter must be an approved vendor in order to be placed on the bidders list.

N.D. Cent. Code § 54-44.4-10. Competitive sealed proposals – Exempt records: State Purchasing Practices

A contract for commodities or services may be entered by competitive sealed proposals when a determination is made that the use of competitive sealed bidding is either not practicable or not advantageous to the state. The request for proposal must state the relative importance of price and other factors and subfactors, if any.

Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. All proposals received pursuant to a competitive sealed proposal process are exempt records under subsection 5 of section 44-04-17.1 until an award is made.

N.D. Cent. Code § 54-44.4-11. Small purchases: State Purchasing Practices

1. A procurement not exceeding the amount established by written directive of the director of the office of management and budget or by the state board of higher education under subsection 5 of section 15-10-17 may be made in accordance with small purchase procedures.
 2. A small purchase need not be made through competitive sealed bidding or competitive sealed proposals. However, small purchases must be made with competition that is practicable under the circumstances.
 3. Procurement requirements may not be artificially divided as to constitute a small purchase under this section.
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N.D. Cent. Code § 54-44.4-12. Resolution of protested solicitations and awards: State Purchasing Practices

1. An interested party may protest the award of a contract, the notice of intent to award a contract, or a solicitation for commodities or services by the office of management and budget or purchasing agency under this chapter. The protest must be submitted in writing to the procurement officer responsible for the contract or solicitation within seven calendar days after the protestor knows or should have known of the facts giving rise to the protest.
2. If a contract has been awarded, the procurement officer immediately shall give notice of a protest to the contractor. In the case of pending award, a stay of award may be requested. A stay must be granted unless a written determination is made that the award of the contract without delay is necessary to protect the interests of the state.

3. If the protest is not resolved by mutual agreement, the procurement officer promptly shall send by certified mail to the protestor a written decision containing the basis for the decision and inform the protestor of the protestor's right to appeal.

4. The protestor may file an appeal of the decision rendered by the procurement officer with the director of the office of management and budget or designee. An appeal must be filed in writing within seven calendar days after the protestor receives the decision rendered by the procurement officer of the office of management and budget or the purchasing agency. The appeal must include a copy of the decision being appealed and the basis for the appeal. Within seven calendar days the director of the office of management and budget or the director's designee shall send by certified mail written notice of the decision to the protestor.