

## Public Notice – Claims against Highway Contractors

Any person who furnishes labor, materials, equipment, or other supplies on a highway construction contract awarded by the North Dakota Department of Transportation under Title 24 of the North Dakota Century Code and who does not receive prompt payment, has certain legal rights for collection of the debt.

The procedures to be followed by the creditor for collection of the debt are provided by the North Dakota Century Code as follows:

24-02-25.1. CLAIMS AGAINST PROJECT – NOTICE OF CLAIM – WHEN FILED – WHERE FILED. Any person who has furnished labor, materials, or supplies on a contract awarded under section 24-02-23, and who has not been paid in full at the time of final acceptance of the project by the department, shall have the right to file a claim against the contractor and the surety furnishing the performance bond.

Notice of the claim shall be given, in writing, to the contractor or the surety furnishing the performance bond and must provide a clear and concise statement of the labor, materials, and supplies furnished, to whom it was furnished, and the monetary value thereof. The notice of the claim shall be made by certified mail postage prepaid, in an envelope addressed to the contractor at any place the contractor maintains an office, or has a residence, and posted within one hundred eighty days from the date on which the person completed the contribution giving rise to the claim.

24-02-25.2. ACTIONS AGAINST CONTRACTOR AND SURETY – TIME. Any person who has furnished labor, materials, or supplies and made a claim under Section 24-02-25.1, shall have the right to commence an action to recover the amount of his claim against the contractor or surety within one year of the date of the final acceptance of the project by the Department.

The North Dakota Department of Transportation has no responsibility or authority to withhold fund or otherwise aid in the collection of any claims. The Department will provide the name of the contractor and the bonding company upon written request. Submit a written request to NDDOT Construction Division, 608 East Boulevard Avenue, Bismarck, ND, 58505.