

LETTER OPINION  
93-L-122

April 2, 1993

Ms. Diane Alm  
Executive Director  
Workers Compensation Bureau  
4007 N. State Street  
Bismarck, ND 58501-0600

Dear Ms. Alm:

Thank you for your March 11, 1993, letter requesting my opinion as to the applicable time for rebidding administrative services contracts entered pursuant to N.D.C.C. ? 65-02-19 and third party managed care contracts entered pursuant to N.D.C.C. ? 65-02-21.

Both N.D.C.C. section 65-02-19 and section 65-02-21 provide that contracts for periods subsequent to June 30, 1993, "must be for the period of a biennium." Furthermore, "[s]ubsequent solicitations [for bids] must be made at least forty-five days before the expiration of an existing administrative services contract." N.D.C.C. ?? 65-02-19, 65-02-21. (Emphasis supplied.)

Words in a statute must be given their ordinary meaning. N.D.C.C. ? 1-02-02. "The word 'must' as ordinarily used indicates a mandatory and not merely a directory or nonmandatory duty." Federal Land Bk. of St. Paul v. Waltz, 423 N.W.2d 799, 802 (N.D. 1988). Thus, it is my opinion that the statutes require the contracts be entered biennially and be rebid on a biennial basis.

Sincerely,

Heidi Heitkamp  
ATTORNEY GENERAL

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