

LEGISLATIVE BILL 117

Approved by the Governor March 07, 2019

Introduced by Hilgers, 21; Hansen, B., 16.

A BILL FOR AN ACT relating to highways and bridges; to amend sections 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska, and section 39-1353, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to construction contract bidding, qualification, evaluation, and proposals; to change certification of financial showing as prescribed; to change provisions relating to obtaining contract plans prepared by the Department of Transportation; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 39-1351, Reissue Revised Statutes of Nebraska, is amended to read:

39-1351 (1) Except as provided in subsection (2) of this section, any person desiring to submit to the department a bid for the performance of any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, which the department proposes to let, shall apply to the department for prequalification. Such application shall be made not later than five ten days before the letting of the contract unless fewer than five days is specified by the department. The department shall determine the extent of any applicant's qualifications by a full and appropriate evaluation of the applicant's experience, bonding capacity as determined by a bonding agency licensed to do business in the State of Nebraska or other sufficient financial showing deemed satisfactory by the department ~~equipment, financial resources, and performance record.~~ In determining the qualification of an applicant ~~persons~~ to bid on any particular contract, the department shall consider the ~~equipment and~~ resources available for the particular contract contemplated.

(2) The department may, in its sole discretion, grant an exemption from all prequalification requirements for (a) any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances if the estimate of the department for such work is one hundred thousand dollars or less or (b) any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances if such work is of an emergency nature.

Sec. 2. Section 39-1352, Reissue Revised Statutes of Nebraska, is amended to read:

39-1352 (1) Except as provided in subsection (2) of this section, any person proposing to bid on a contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances to be let by the department shall submit to the department, at such times as it may require, a statement showing such person's qualifications. Such statement shall be under oath and on a standard form to be prepared and supplied by the department. ~~The financial showing required in the statement shall be certified by a certified public accountant or by a public accountant holding a currently valid permit from the Nebraska State Board of Public Accountancy.~~ The statement shall be confidential and only for the use of the department.

(2) Subsection (1) of this section shall not apply to any contract granted an exemption from prequalification requirements pursuant to subsection (2) of section 39-1351.

Sec. 3. Section 39-1353, Revised Statutes Cumulative Supplement, 2018, is amended to read:

39-1353 (1) Any person desiring to bid ~~Proposal forms for submitting bids~~ on any contract for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances to be let by the department shall request an authorization to bid from ~~be issued by~~ the department at the offices of the department in Lincoln, Nebraska, or at such other location as designated by the department not later than 5 p.m. of the day before the letting of the contract.

(2) Such authorization ~~proposal forms~~ shall be issued only to those persons previously qualified by the department and bids shall be accepted only from such qualified persons. This subsection shall not apply to any contract granted an exemption from prequalification requirements pursuant to subsection (2) of section 39-1351.

Sec. 4. Section 39-1354, Reissue Revised Statutes of Nebraska, is amended to read:

39-1354 The department, in its discretion, may provide paper or electronic reproductions of the plans prepared by the department for any contract to be let for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, to any person desiring such paper or electronic reproductions. Such person shall pay to the department a reasonable sum, to be fixed by the department in an amount estimated to cover the actual cost of preparing such paper or electronic reproductions a reproduction.

Sec. 5. Original sections 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska, and section 39-1353, Revised Statutes Cumulative Supplement, 2018, are repealed.