

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 847

FINAL READING

Introduced by Wishart, 27.

Read first time January 06, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Political Subdivisions Construction
2 Alternatives Act; to amend section 13-2903, Revised Statutes
3 Supplement, 2021; to redefine political subdivision to include
4 certain utilities and public power districts; and to repeal the
5 original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-2903, Revised Statutes Supplement, 2021, is
2 amended to read:

3 13-2903 For purposes of the Political Subdivisions Construction
4 Alternatives Act:

5 (1) Construction management at risk contract means a contract by
6 which a construction manager (a) assumes the legal responsibility to
7 deliver a construction project within a contracted price to the political
8 subdivision, (b) acts as a construction consultant to the political
9 subdivision during the design development phase of the project when the
10 political subdivision's architect or engineer designs the project, and
11 (c) is the builder during the construction phase of the project;

12 (2) Construction manager means the legal entity which proposes to
13 enter into a construction management at risk contract pursuant to the
14 act;

15 (3) Design-build contract means a contract which is subject to
16 qualification-based selection between a political subdivision and a
17 design-builder to furnish (a) architectural, engineering, and related
18 design services for a project pursuant to the act and (b) labor,
19 materials, supplies, equipment, and construction services for a project
20 pursuant to the act;

21 (4) Design-builder means the legal entity which proposes to enter
22 into a design-build contract which is subject to qualification-based
23 selection pursuant to the act;

24 (5) Letter of interest means a statement indicating interest to
25 enter into a design-build contract or a construction management at risk
26 contract for a project pursuant to the act;

27 (6) Performance-criteria developer means any person licensed or any
28 organization issued a certificate of authorization to practice
29 architecture or engineering pursuant to the Engineers and Architects
30 Regulation Act who is selected by a political subdivision to assist the
31 political subdivision in the development of project performance criteria,

1 requests for proposals, evaluation of proposals, evaluation of the
2 construction under a design-build contract to determine adherence to the
3 performance criteria, and any additional services requested by the
4 political subdivision to represent its interests in relation to a
5 project;

6 (7) Political subdivision means a city, village, county, natural
7 resources district, metropolitan utilities district, public power
8 district, public power and irrigation district, school district,
9 community college, or state college;

10 (8) Project performance criteria means the performance requirements
11 of the project suitable to allow the design-builder to make a proposal.
12 Performance requirements include the following, if required by the
13 project: Capacity, durability, standards, ingress and egress
14 requirements, description of the site, surveys, soil and environmental
15 information concerning the site, interior space requirements, material
16 quality standards, design and construction schedules, site development
17 requirements, provisions for utilities, storm water retention and
18 disposal, parking requirements, applicable governmental code
19 requirements, and other criteria for the intended use of the project;

20 (9) Proposal means an offer in response to a request for proposals
21 (a) by a design-builder to enter into a design-build contract for a
22 project pursuant to the Political Subdivisions Construction Alternatives
23 Act or (b) by a construction manager to enter into a construction
24 management at risk contract for a project pursuant to the act;

25 (10) Qualification-based selection process means a process of
26 selecting a design-builder based first on the qualifications of the
27 design-builder and then on the design-builder's proposed approach to the
28 design and construction of the project;

29 (11) Request for letters of interest means the documentation or
30 publication by which a political subdivision solicits letters of
31 interest;

1 (12) Request for proposals means the documentation by which a
2 political subdivision solicits proposals; and

3 (13) School district means any school district classified under
4 section 79-102.

5 Sec. 2. Original section 13-2903, Revised Statutes Supplement,
6 2021, is repealed.