

## LEGISLATIVE BILL 152

Approved by the Governor April 3, 1984

Introduced by Fenger, 45

AN ACT to amend section 70-637, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 540, Eighty-eighth Legislature, Second Session, 1984, relating to public power districts; to provide an exception to certain purchasing procedures; and to repeal the original section.

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

Section 1. That section 70-637, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 540, Eighty-eighth Legislature, Second Session, 1984, be amended to read as follows:

70-637. Before any district ~~enters shall enter~~ into any contract for the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, ~~any~~ ~~or~~ irrigation works, or any part or section thereof, for the use of the district, or for the purchase of any materials, machinery, or apparatus to be used in such construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement, such district shall cause estimates of the cost thereof to be made by some competent engineer or engineers. If such estimated cost ~~exceeds shall exceed~~ the sum of fifty thousand dollars, no such contract shall be entered into without advertising for sealed bids, except that (1) the board may negotiate directly with sheltered workshops pursuant to section 3 of this act and (2) with respect to contracts entered into by a district in the exercise of its rights and powers relating to radioactive material or the energy therefrom, or ~~relating~~ to any maintenance or repair contracts, if the engineer or engineers ~~shall~~ certify that by reason of the nature of the subject matter of the contract compliance with this section would be impractical and not in the public interest, and the engineer's certification is approved by a two-thirds vote of the board, the provisions of sections 70-637 to 70-639 relating to sealed bids shall not apply, and the district shall advertise notice of its intention to enter into such contract, the general nature of the proposed work, and the name of the person to be contacted for additional information by anyone interested in contracting for such work. Any contract for which the board has approved such engineer's certificate shall be

advertised in three issues not less than seven days between issues in one or more newspapers of general circulation in the district and in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of its intention to enter into such contract, and any such contract shall not be entered into prior to twenty days after the last advertisement. With respect to contracts in excess of fifty thousand dollars entered into for the purchase of any materials, machinery, or apparatus to be used in the construction, reconstruction, remodeling, building, alteration, maintenance, repair, extension, or improvement of any power plant or system, any ~~or~~ irrigation works, or any part or section thereof when the contract does not include onsite labor for the installation thereof, if, after advertising for sealed bids, no responsive bids are received or if the board of directors of such district determines that all bids received are in excess of the fair market value of the subject matter of such bids, ~~then~~ the provisions of sections 70-637 to 70-639 shall not apply.

Notwithstanding any other provision of sections 70-637 to 70-639, a district may, without advertising or sealed bidding, purchase replacement parts or services relating to such replacement parts for any generating unit, transformer, or other transmission and distribution equipment from the original manufacturer of such equipment upon certification by an engineer or engineers that such manufacturer is the only available source of supply for such replacement parts or services and that such purchase is in compliance with standards established by the board. A written statement containing such certification and a description of the resulting purchase of replacement parts or services from the original manufacturer shall be submitted to the board for its approval at the next scheduled meeting of the board by the engineer or engineers certifying the purchase. After such certification, but not necessarily before the board review, notice of any such purchase shall be published once a week for at least three consecutive weeks in one or more newspapers of general circulation in the district and published in such additional newspapers or trade or technical periodicals as may be selected by the board in order to give proper notice of such purchase.

Sec. 2. That original section 70-637, Reissue Revised Statutes of Nebraska, 1943, as amended by section 11, Legislative Bill 540, Eighty-eighth Legislature, Second Session, 1984, is repealed.