

LEGISLATIVE BILL 41

Approved by the Governor March 3, 2003

Introduced by Thompson, 14

AN ACT relating to the County Purchasing Act; to amend sections 23-3104, 23-3107, 23-3108, and 23-3109, Reissue Revised Statutes of Nebraska; to change provisions relating to bidding requirements; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 23-3104, Reissue Revised Statutes of Nebraska, is amended to read:

23-3104. As used in the County Purchasing Act, unless the context otherwise requires:

(1) Mobile equipment shall mean all vehicles propelled by any power other than muscular, including, but not limited to, motor vehicles, off-road designed vehicles, motorcycles, passenger cars, self-propelled mobile homes, truck-tractors, trucks, cabin trailers, semitrailers, trailers, utility trailers, and road and general-purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ditchdigging apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, and crawler tractors;

(2) Personal property shall include, but not be limited to, supplies, materials, and equipment used by or furnished to any county officer, office, department, institution, board, or other agency of the county government. Personal property shall not include election ballots;

(3) Services shall mean any and all services except telephone, telegraph, postal, and electric light and power service, ~~and~~ other similar services, ~~except~~ and election contractual services; and

(4) Purchasing or purchase shall mean the obtaining of personal property or services by sale, lease, or other contractual means. Purchase shall also include contracting with sheltered workshops for products or services as provided in Chapter 48, article 15.

Sec. 2. Section 23-3107, Reissue Revised Statutes of Nebraska, is amended to read:

23-3107. The county board or purchasing agent, subject to the approval of the county board, shall: (1) Prescribe the manner in which personal property shall be purchased, delivered, and distributed; (2) prescribe dates for making estimates, the future period which they are to cover, the form in which they are submitted, and the manner of their authentication; (3) revise forms from time to time as conditions warrant; (4) provide for the transfer to and between county departments and agencies of personal property which is surplus with one department or agency but which may be needed by another or others; (5) dispose of by sale personal property which has been declared by the county board to be surplus and which is obsolete or not usable by the county. Such property with a value of less than two thousand five hundred dollars may be sold without competitive bidding. Property with a value of two thousand five hundred dollars or more shall be sold through competitive bidding; (6) prescribe the amount of cash deposit or bond to be submitted with a bid on a contract and the amount of deposit or bond to be given for the performance of a contract, if the amount of the bond is not specifically provided by law; and (7) prescribe the manner in which claims for personal property or services delivered to any department or agency of the county shall be submitted, approved, and paid.

Sec. 3. Section 23-3108, Reissue Revised Statutes of Nebraska, is amended to read:

23-3108. (1) Except as provided in section 23-3109, purchases of personal property or services by the county board or purchasing agent shall be made:

~~(1)~~ (a) Through the competitive sealed bidding process prescribed in section 23-3111 if the estimated value of the purchase is ~~ten~~ twenty thousand dollars or more;

~~(2)~~ (b) By securing and recording at least three informal bids, if practicable, if the estimated value of the purchase is equal to or exceeds ~~two~~ five thousand five hundred dollars, but is less than ~~ten~~ twenty thousand dollars; or

~~(3)~~ (c) By purchasing in the open market if the estimated value of the purchase is less than ~~two~~ five thousand five hundred dollars, subject to

section 23-3112. In any county having a population of less than one hundred thousand inhabitants and in which the county board has not appointed a purchasing agent pursuant to section 23-3105, all elected officials are hereby authorized to make purchases with an estimated value less than ~~two~~ five thousand ~~five hundred~~ dollars.

(2) In no case shall a purchase made pursuant to subdivision ~~(1)~~, ~~(2)~~, ~~or (3)~~ (1) (a), (b), or (c) of this section be divided to produce several purchases which are of an estimated value below that established in the relevant subdivision.

(3) All contracts and leases shall be approved as to form by the county attorney, and a copy of each long-term contract or lease shall be filed with the county clerk.

Sec. 4. Section 23-3109, Reissue Revised Statutes of Nebraska, is amended to read:

23-3109. (1) Competitive bidding shall not be required (a) when purchasing unique or noncompetitive items, (b) when purchasing petroleum products, (c) when obtaining professional services or equipment maintenance, or (d) when the price has been established by ~~the~~ one of the following: (i) The federal General Services Administration; (ii) ~~or~~ the materiel division of the Department of Administrative Services; or (iii) a cooperative purchasing agreement by which supplies, equipment, or services are procured in accordance with a contract established by another governmental entity or group of governmental entities if the contract was established in accordance with the laws and regulations applicable to the establishing governmental entity or, if a group, the lead governmental entity.

(2) The county board may, by majority vote of its members, waive the bidding requirements of the County Purchasing Act if such waiver is necessary to meet an emergency which threatens serious loss of life, health, or property in the county.

(3) The governing board may waive the bidding requirements of the County Purchasing Act if the county can save a significant amount of money by entering into a special purchase. The county board shall, five days prior to such special purchase, publish notice of its intention to make such a special purchase, stating the items considered and inviting informal quotes. A two-thirds vote of the entire county board shall approve such special purchase.

Sec. 5. Original sections 23-3104, 23-3107, 23-3108, and 23-3109, Reissue Revised Statutes of Nebraska, are repealed.