

ENGROSSED LEGISLATIVE BILL 180

Introduced by Clouse, 37.

A BILL FOR AN ACT relating to the Department of Natural Resources; to amend sections 73-101 and 73-813, Revised Statutes Cumulative Supplement, 2024; to change requirements relating to public lettings and biddings; to provide an exception for certain contracts under the State Procurement Act; to harmonize provisions; and to repeal the original sections.

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

Section 1. Section 73-101, Revised Statutes Cumulative Supplement, 2024, is amended to read:

73-101 Whenever the State of Nebraska, or any department or any agency thereof, any county board, county clerk, county highway superintendent, the mayor and city council or commissioner of any municipality, any entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act, or the officers of any school district, township, or other governmental subdivision, shall advertise for bids in pursuance of any statutes of the State of Nebraska, on any road contract work or any public improvements work, or for supplies, construction, repairs, and improvements, and in all other cases where bids for supplies or work, of any character whatsoever, are received for the various departments and agencies of the state, and other subdivisions and agencies enumerated in this section, they shall fix not only the day upon which such bids shall be returned, received, or opened, as provided by other statutes, but shall also fix the hour at which such bids shall close, or be received or opened, and they shall also provide that such bids shall be immediately and simultaneously opened in the presence of the bidders, or representatives of the bidders, when the hour is reached for the bids to close. Such bids may be withheld from disclosure until an intent to award is issued. If bids are being opened on more than one contract, the officials in charge of the opening of such bids may, if they deem it advisable, award each contract as

the bids are opened. Sections 73-101 to 73-106 shall not apply to the State Park System Construction Alternatives Act, the Public Water and Natural Resources Project Contracting Act, or sections 39-2808 to 39-2823.

Sec. 2. Section 73-813, Revised Statutes Cumulative Supplement, 2024, is amended to read:

73-813 (1) Subject to review by the Director of Administrative Services, the division shall provide procedures to grant limited exceptions from sections 73-807, 73-815, and 73-816 for:

(a) Sole source contracts, emergency contracts, and contracts when the price has been established by the federal General Services Administration or competitively bid by another state or group of states, a group of states and any political subdivision of any other state, a political subdivision of another state, or a cooperative purchasing organization on behalf of a group of states or political subdivisions of other states; and

(b) Other circumstances or specific contracts when any of the requirements of sections 73-807, 73-815, and 73-816 are not appropriate for or are not compatible with the circumstances or contract. The division shall provide a written rationale which shall be kept on file when granting an exception under this subdivision.

(2) The following types of contracts are not subject to sections 73-807, 73-815, 73-816, and 73-817:

(a) Contracts for services subject to the Nebraska Consultants' Competitive Negotiation Act;

(b) Contracts for services subject to federal law, regulation, or policy or state statute, under which a state agency is required to use a different selection process or to contract with an identified contractor or type of contractor;

(c) Contracts for professional legal services and services of expert witnesses, hearing officers, or administrative law judges retained by state agencies for administrative or court proceedings;

(d) Grant agreements or cooperative agreements;

(e) Contracts with a value of fifteen million dollars or less with direct providers of medical, behavioral, or developmental health services, child care, or child welfare services to an individual;

(f) Agreements for services to be performed for a state agency by another state or local government agency or contracts made by a state agency with a local government agency for the direct provision of services to the public;

(g) Agreements for services between a state agency and the University of Nebraska, the Nebraska state colleges, the courts, the Legislature, or other officers or state agencies established by the Constitution of Nebraska;

(h) Department of Insurance contracts for financial or actuarial examination, for rehabilitation, conservation, reorganization, or liquidation of licensees, and for professional services related to residual pools or excess funds under the agency's control;

(i) Department of Transportation contracts for all road and bridge projects;

(j) Nebraska Investment Council contracts;

(k) Contracts under section 57-1503;

(l) Contracts for the erection of, construction of, renovation of, repair of, or addition to any building; for original equipment for any building; for the construction of any road or bridge; or for the performance of any work related to such contracts;

(m) Subject to section 83-146, contracts for the purchase or use of the products of the labor of the inmates of any charitable, reformatory, or penal institution of the state;

(n) Contracts for leases by the state or a state agency of real property;

(o) Contracts for works of art;

(p) Contracts for advertising or public announcements;

(q) Direct or miscellaneous purchases pursuant to section 73-814; and

(r) Department of Natural Resources contracts for all water infrastructure projects.

Sec. 3. Original sections 73-101 and 73-813, Revised Statutes Cumulative

Supplement, 2024, are repealed.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 180 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR