

## ENGROSSED LEGISLATIVE BILL 323

Introduced by Moser, 22.

A BILL FOR AN ACT relating to the Department of Transportation; to amend section 39-1355, Reissue Revised Statutes of Nebraska, and section 39-1348, Revised Statutes Cumulative Supplement, 2024; to change provisions relating to solicitation of bids; to change the threshold required for legislative consent relating to certain construction projects; to harmonize provisions; and to repeal the original sections.

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

**Section 1.** Section 39-1348, Revised Statutes Cumulative Supplement, 2024, is amended to read:

39-1348 (1) Except as otherwise provided in sections 39-2808 to 39-2823, when letting contracts for the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, and their appurtenances, the department shall solicit bids as follows:

(a)(i) For contracts with an estimated cost, as determined by the department, of greater than two hundred fifty thousand dollars, the department shall provide notice of the department's solicitation of sealed bids using the following methods:

(A) Publish notice once a week for three consecutive weeks in the official county newspaper designated by the county board in the county where the work is to be done and in such additional newspaper or newspapers as may appear necessary to the department in order to give notice of the receiving of bids; and

(B) Publish notice on the official web page designated by the department beginning at least twenty days before the deadline for receipt of bids. The notice will be deemed to comply with this requirement even if there are temporary or occasional times when Internet service is down or the designated web page is not available for any reason.

(ii) Such notice shall identify the general project location, state where the plans and specifications for the work may be inspected, and designate the time when the bids shall be filed and opened. The newspaper notice shall identify the department's official web page where the details of the bid letting may be viewed electronically.

(iii) The notice requirements of this section shall be deemed to have been met if notice of the bid solicitation has been published on the department's designated web page for at least twenty days prior to the time when bids will be opened, even if there is any defect with the newspaper notice described in subdivision (1)(a)(i)(A) of this section, including, but not limited to, meeting a publication deadline that has been moved by the publisher resulting in an inability to satisfy the requirement of three consecutive weeks of published notice.

(iv) If through no fault of the department publication of such notice fails to appear as prescribed in subdivisions (1)(a)(i) and (ii) of this section, the department shall be deemed to have fulfilled the requirements of this subdivision; and

(b) For contracts with an estimated cost, as determined by the department, of two hundred fifty thousand dollars or less, the department, in its sole discretion, shall either:

(i) Follow the procedures given in subdivision (a) of this subsection; or

(ii) Request bids from at least three potential bidders for such work. If the department requests bids under this subdivision, it shall designate a time when the bids shall be opened. The department may award a contract pursuant to this subdivision if it receives at least one responsive bid.

(2) The Department of Transportation may adjust the amounts in subdivisions (1)(a) and (b) of this section annually on October 1 by the percentage change in the Consumer Price Index for All Urban Consumers published by the United States Department of Labor, Bureau of Labor Statistics, at the close of the twelve-month period ending on August 31 of such year. The amounts shall be rounded to the next highest one-thousand-dollar amount.

**Sec. 2.** Section 39-1355, Reissue Revised Statutes of Nebraska, is amended to read:

39-1355 (1) The department shall have authority to:

(a) Purchase, lease, employ, or acquire by other means, all needed road materials, machinery, equipment, supplies, services, and labor necessary for the construction, reconstruction, maintenance, and control of the state highway system and all tools and materials necessary to keep such machinery and equipment in repair; and

(b) Lease, purchase, construct, or cause to be constructed, buildings for office accommodations, which are necessary in the administration of the duties of the department, and buildings for the storing and housing of materials, machinery, equipment, and supplies.

(2) The department shall not construct or cause to be constructed any building with an estimated cost greater than the adjusted dollar amount established for capital construction projects in section 81-1114.01 without the consent of the Legislature.

(3) The maintenance, protection, and control of the materials, machinery, equipment, supplies, tools, and buildings shall be under the authority and responsibility of the department.

**Sec. 3.** Original section 39-1355, Reissue Revised Statutes of Nebraska, and section 39-1348, Revised Statutes Cumulative Supplement, 2024, are repealed.

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**PRESIDENT OF THE LEGISLATURE**

*THIS IS TO CERTIFY that the within LB 323 was passed by the One Hundred Ninth  
Legislature of Nebraska at its First Session on the ..... day  
of ..... 20.....*

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**CLERK OF THE LEGISLATURE**

**Approved:**

..... 20....., ..... o'clock .....M.

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**GOVERNOR**