

AMENDMENTS TO LB960

Introduced by Appropriations.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 24 of this act shall be known and may be
4 cited as the Transportation Innovation Act.

5 Sec. 2. For purposes of the Transportation Innovation Act:

6 (1) Alternative technical concept means changes suggested by a
7 qualified, eligible, short-listed design-builder to the department's
8 basic configurations, project scope, design, or construction criteria;

9 (2) Best value-based selection process means a process of selecting
10 a design-builder using price, schedule, and qualifications for evaluation
11 factors;

12 (3) Construction manager means the legal entity which proposes to
13 enter into a construction manager-general contractor contract pursuant to
14 the act;

15 (4) Construction manager-general contractor contract means a
16 contract which is subject to a qualification-based selection process
17 between the department and a construction manager to furnish
18 preconstruction services during the design development phase of the
19 project and, if an agreement can be reached which is satisfactory to the
20 department, construction services for the construction phase of the
21 project;

22 (5) Construction services means activities associated with building
23 the project;

24 (6) Department means the Department of Roads;

25 (7) Design-build contract means a contract between the department
26 and a design-builder which is subject to a best value-based selection
27 process to furnish (a) architectural, engineering, and related design

1 services and (b) labor, materials, supplies, equipment, and construction
2 services;

3 (8) Design-builder means the legal entity which proposes to enter
4 into a design-build contract;

5 (9) Multimodal transportation network means the interconnected
6 system of highways, roads, streets, rail lines, river ports, and transit
7 systems which facilitates the movement of people and freight to enhance
8 Nebraska's economy;

9 (10) Preconstruction services means all nonconstruction-related
10 services that a construction manager performs in relation to the design
11 of the project before execution of a contract for construction services.
12 Preconstruction services includes, but is not limited to, cost
13 estimating, value engineering studies, constructability reviews, delivery
14 schedule assessments, and life-cycle analysis;

15 (11) Project performance criteria means the performance requirements
16 of the project suitable to allow the design-builder to make a proposal.
17 Performance requirements shall include, but are not limited to, the
18 following, if required by the project: Capacity, durability, standards,
19 ingress and egress requirements, description of the site, surveys, soil
20 and environmental information concerning the site, material quality
21 standards, design and milestone dates, site development requirements,
22 compliance with applicable law, and other criteria for the intended use
23 of the project;

24 (12) Proposal means an offer in response to a request for proposals
25 (a) by a design-builder to enter into a design-build contract or (b) by a
26 construction manager to enter into a construction manager-general
27 contractor contract;

28 (13) Qualification-based selection process means a process of
29 selecting a construction manager based on qualifications;

30 (14) Request for proposals means the documentation by which the
31 department solicits proposals; and

1 (15) Request for qualifications means the documentation or
2 publication by which the department solicits qualifications.

3 Sec. 3. (1) The Transportation Infrastructure Bank Fund is created.
4 The fund shall be administered by the department and shall be used for
5 purposes of sections 3 to 7 of this act. Any money in the fund available
6 for investment shall be invested by the state investment officer pursuant
7 to the Nebraska Capital Expansion Act and the Nebraska State Funds
8 Investment Act. Investment earnings from investment of money in the fund
9 shall be credited to the fund.

10 (2) The Transportation Infrastructure Bank Fund shall consist of
11 money transferred from the Cash Reserve Fund pursuant to subsection (15)
12 of section 84-612 and any other money as determined by the Legislature.

13 (3) It is the intent of the Legislature that additional fuel tax
14 revenue generated by Legislative Bill 610, One Hundred Fourth
15 Legislature, First Session, 2015, shall be transferred from the Roads
16 Operations Cash Fund to the Transportation Infrastructure Bank Fund.
17 Transfers shall be initiated each fiscal year by the State Treasurer
18 following certification of revenue receipts by the Director-State
19 Engineer from July 1, 2016, through June 2033. Transferred funds shall be
20 used for purposes of sections 3 to 7 of this act.

21 Sec. 4. The Accelerated State Highway Capital Improvement Program
22 is created. The department shall administer the program using funds from
23 the Transportation Infrastructure Bank Fund. The purpose of the program
24 is to accelerate capital improvement projects to provide the earliest
25 possible mobility, freight, and safety benefits to the state, thereby
26 accelerating enhancements to the state's economy and the quality of life
27 of the general public. The department shall develop the program. The
28 projects eligible for funding under the program include construction of
29 the expressway system and federally designated high priority corridors
30 and needs-driven capacity improvements across the state.

31 Sec. 5. (1) The County Bridge Match Program is created. The

1 department shall administer the program using funds from the
2 Transportation Infrastructure Bank Fund, except that no more than forty
3 million dollars shall be expended for this program. The purpose of the
4 program is to promote innovative solutions and provide additional funding
5 to accelerate the repair and replacement of deficient bridges on the
6 county road system. The department shall develop the program, including
7 participation criteria and matching fund requirements for counties, in
8 consultation with a statewide association representing county officials.
9 Participation by counties in the program shall be voluntary. The details
10 of the program shall be presented to the Appropriations Committee and the
11 Transportation and Telecommunications Committee of the Legislature on or
12 before December 1, 2016.

13 (2) The County Bridge Match Program terminates on June 30, 2023.

14 Sec. 6. The Economic Opportunity Program is created. The Department
15 of Roads shall administer the program in consultation with the Department
16 of Economic Development using funds from the Transportation
17 Infrastructure Bank Fund, except that no more than twenty million dollars
18 shall be expended for this program. The purpose of the program is to
19 finance transportation improvements to attract and support new businesses
20 and business expansions by successfully connecting such businesses to
21 Nebraska's multimodal transportation network and to increase employment,
22 create high-quality jobs, increase business investment, and revitalize
23 rural and other distressed areas of the state. The Department of Roads
24 shall develop the program, including the application process, criteria
25 for providing funding, matching requirements, and provisions for
26 recapturing funds awarded for projects with unmet obligations, in
27 consultation with statewide associations representing municipal and
28 county officials, economic developers, and the Department of Economic
29 Development. No project shall be approved through the Economic
30 Opportunity Program without an economic impact analysis proving positive
31 economic impact. The details of the program shall be presented to the

1 Appropriations Committee and the Transportation and Telecommunications
2 Committee of the Legislature on or before December 1, 2016.

3 Sec. 7. Sections 3 to 7 of this act terminate on June 30, 2033. The
4 State Treasurer shall transfer any unobligated funds remaining in the
5 Transportation Infrastructure Bank Fund on such date to the Cash Reserve
6 Fund.

7 Sec. 8. The purpose of sections 8 to 23 of this act is to provide
8 the Department of Roads alternative methods of contracting for public
9 projects. The alternative methods of contracting shall be available to
10 the department for use on any project regardless of the funding source.
11 Notwithstanding any other provision of state law to the contrary, the
12 Transportation Innovation Act shall govern the design-build and
13 construction manager-general contractor procurement process.

14 Sec. 9. The department, in accordance with sections 8 to 23 of this
15 act, may solicit and execute a design-build contract or a construction
16 manager-general contractor contract for a public project, other than a
17 project that is primarily resurfacing, rehabilitation, or restoration.

18 Sec. 10. The department may hire an engineering or architectural
19 consultant to assist the department with the development of project
20 performance criteria and requests for proposals, with evaluation of
21 proposals, with evaluation of the construction to determine adherence to
22 the project performance criteria, and with any additional services
23 requested by the department to represent its interests in relation to a
24 project. The procedures used to hire such person or organization shall
25 comply with the Nebraska Consultants' Competitive Negotiation Act. The
26 person or organization hired shall be ineligible to be included as a
27 provider of other services in a proposal for the project for which he or
28 she has been hired, and shall not be employed by or have a financial or
29 other interest in a design-builder or construction manager who will
30 submit a proposal.

31 Sec. 11. The department shall adopt guidelines for entering into a

1 design-build contract or construction manager-general contractor
2 contract. The guidelines shall include the following:

3 (1) Preparation and content of requests for qualifications;

4 (2) Preparation and content of requests for proposals;

5 (3) Qualification and short-listing of design-builders and
6 construction managers. The guidelines shall provide that the department
7 will evaluate prospective design-builders and construction managers based
8 on the information submitted to the department in response to a request
9 for qualifications and will select a short list of design-builders or
10 construction managers who shall be considered qualified and eligible to
11 respond to the request for proposals;

12 (4) Preparation and submittal of proposals;

13 (5) Procedures and standards for evaluating proposals;

14 (6) Procedures for negotiations between the department and the
15 design-builders or construction managers submitting proposals prior to
16 the acceptance of a proposal if any such negotiations are contemplated;
17 and

18 (7) Procedures for the evaluation of construction under a design-
19 build contract to determine adherence to the project performance
20 criteria.

21 Sec. 12. The process for selecting a design-builder and entering
22 into a design-build contract shall be in accordance with sections 13 to
23 16 of this act.

24 Sec. 13. (1) The department shall prepare a request for
25 qualifications for design-build proposals and shall prequalify design-
26 builders. The request for qualifications shall describe the project in
27 sufficient detail to permit a design-builder to respond. The request for
28 qualifications shall identify the maximum number of design-builders the
29 department will place on a short list as qualified and eligible to
30 receive a request for proposals.

31 (2) A person or organization hired by the department under section

1 10 of this act shall be ineligible to compete for a design-build contract
2 on the same project for which the person or organization was hired.

3 (3) The request for qualifications shall be (a) published in a
4 newspaper of statewide circulation at least thirty days prior to the
5 deadline for receiving the request for qualifications and (b) sent by
6 first-class mail to any design-builder upon request.

7 (4) The department shall create a short list of qualified and
8 eligible design-builders in accordance with the guidelines adopted
9 pursuant to section 11 of this act. The department shall select at least
10 two prospective design-builders, except that if only one design-builder
11 has responded to the request for qualifications, the department may, in
12 its discretion, proceed or cancel the procurement. The request for
13 proposals shall be sent only to the design-builders placed on the short
14 list.

15 Sec. 14. The department shall prepare a request for proposals for
16 each design-build contract. The request for proposals shall contain, at a
17 minimum, the following elements:

18 (1) The guidelines adopted by the department in accordance with
19 section 11 of this act. The identification of a publicly accessible
20 location of the guidelines, either physical or electronic, shall be
21 considered compliance with this subdivision;

22 (2) The proposed terms and conditions of the design-build contract,
23 including any terms and conditions which are subject to further
24 negotiation;

25 (3) A project statement which contains information about the scope
26 and nature of the project;

27 (4) A statement regarding alternate technical concepts including the
28 process and time period in which such concepts may be submitted,
29 confidentiality of the concepts, and ownership of the rights to the
30 intellectual property contained in such concepts;

31 (5) Project performance criteria;

1 (6) Budget parameters for the project;

2 (7) Any bonding and insurance required by law or as may be
3 additionally required by the department;

4 (8) The criteria for evaluation of proposals and the relative weight
5 of each criterion. The criteria shall include, but are not limited to,
6 the cost of the work, construction experience, design experience, and the
7 financial, personnel, and equipment resources available for the project.
8 The relative weight to apply to any criterion shall be at the discretion
9 of the department based on each project, except that in all cases, the
10 cost of the work shall be given a relative weight of at least fifty
11 percent;

12 (9) A requirement that the design-builder provide a written
13 statement of the design-builder's proposed approach to the design and
14 construction of the project, which may include graphic materials
15 illustrating the proposed approach to design and construction and shall
16 include price proposals;

17 (10) A requirement that the design-builder agree to the following
18 conditions:

19 (a) At the time of the design-build proposal, the design-builder
20 must furnish to the department a written statement identifying the
21 architect or engineer who will perform the architectural or engineering
22 work for the project. The architect or engineer engaged by the design-
23 builder to perform the architectural or engineering work with respect to
24 the project must have direct supervision of such work and may not be
25 removed by the design-builder prior to the completion of the project
26 without the written consent of the department;

27 (b) At the time of the design-build proposal, the design-builder
28 must furnish to the department a written statement identifying the
29 general contractor who will provide the labor, material, supplies,
30 equipment, and construction services. The general contractor identified
31 by the design-builder may not be removed by the design-builder prior to

1 completion of the project without the written consent of the department;

2 (c) A design-builder offering design-build services with its own
3 employees who are design professionals licensed to practice in Nebraska
4 must (i) comply with the Engineers and Architects Regulation Act by
5 procuring a certificate of authorization to practice architecture or
6 engineering and (ii) submit proof of sufficient professional liability
7 insurance in the amount required by the department; and

8 (d) The rendering of architectural or engineering services by a
9 licensed architect or engineer employed by the design-builder must
10 conform to the Engineers and Architects Regulation Act; and

11 (11) Other information or requirements which the department, in its
12 discretion, chooses to include in the request for proposals.

13 Sec. 15. The department shall pay a stipend to qualified design-
14 builders that submit responsive proposals but are not selected. Payment
15 of the stipend shall give the department ownership of the intellectual
16 property contained in the proposals and alternate technical concepts. The
17 amount of the stipend shall be at the discretion of the department.

18 Sec. 16. (1) Design-builders shall submit proposals as required by
19 the request for proposals. The department may meet with individual
20 design-builders prior to the time of submitting the proposal and may have
21 discussions concerning alternative technical concepts. If an alternative
22 technical concept provides a solution that is equal to or better than the
23 requirements in the request for proposals and the alternative technical
24 concept is acceptable to the department, it may be incorporated as part
25 of the proposal by the design-builder. Notwithstanding any other
26 provision of state law to the contrary, alternative technical concepts
27 shall be confidential and not disclosed to other design-builders or
28 members of the public from the time the proposals are submitted until
29 such proposals are opened by the department.

30 (2) Proposals shall be sealed and shall not be opened until
31 expiration of the time established for making the proposals as set forth

1 in the request for proposals.

2 (3) Proposals may be withdrawn at any time prior to the opening of
3 such proposals in which case no stipend shall be paid. The department
4 shall have the right to reject any and all proposals at no cost to the
5 department other than any stipend for design-builders who have submitted
6 responsive proposals. The department may thereafter solicit new proposals
7 using the same or different project performance criteria or may cancel
8 the design-build solicitation.

9 (4) The department shall rank the design-builders in order of best
10 value pursuant to the criteria in the request for proposals. The
11 department may meet with design-builders prior to ranking.

12 (5) The department may attempt to negotiate a design-build contract
13 with the highest ranked design-builder selected by the department and may
14 enter into a design-build contract after negotiations. If the department
15 is unable to negotiate a satisfactory design-build contract with the
16 highest ranked design-builder, the department may terminate negotiations
17 with that design-builder. The department may then undertake negotiations
18 with the second highest ranked design-builder and may enter into a
19 design-build contract after negotiations. If the department is unable to
20 negotiate a satisfactory contract with the second highest ranked design-
21 builder, the department may undertake negotiations with the third highest
22 ranked design-builder, if any, and may enter into a design-build contract
23 after negotiations.

24 (6) If the department is unable to negotiate a satisfactory contract
25 with any of the ranked design-builders, the department may either revise
26 the request for proposals and solicit new proposals or cancel the design-
27 build process under sections 8 to 23 of this act.

28 Sec. 17. (1) The process for selecting a construction manager and
29 entering into a construction manager-general contractor contract shall be
30 in accordance with this section and sections 18 to 20 of this act.

31 (2) The department shall prepare a request for qualifications for

1 construction manager-general contractor contract proposals and shall
2 prequalify construction managers. The request for qualifications shall
3 describe the project in sufficient detail to permit a construction
4 manager to respond. The request for qualifications shall identify the
5 maximum number of eligible construction managers the department will
6 place on a short list as qualified and eligible to receive a request for
7 proposals.

8 (3) The request for qualifications shall be (a) published in a
9 newspaper of statewide circulation at least thirty days prior to the
10 deadline for receiving the request for qualifications and (b) sent by
11 first-class mail to any construction manager upon request.

12 (4) The department shall create a short list of qualified and
13 eligible construction managers in accordance with the guidelines adopted
14 pursuant to section 11 of this act. The department shall select at least
15 two construction managers, except that if only one construction manager
16 has responded to the request for qualifications, the department may, in
17 its discretion, proceed or cancel the procurement. The request for
18 proposals shall be sent only to the construction managers placed on the
19 short list.

20 Sec. 18. The department shall prepare a request for proposals for
21 each construction manager-general contractor contract. The request for
22 proposals shall contain, at a minimum, the following elements:

23 (1) The guidelines adopted by the department in accordance with
24 section 11 of this act. The identification of a publicly accessible
25 location of the guidelines, either physical or electronic, shall be
26 considered compliance with this subdivision;

27 (2) The proposed terms and conditions of the contract, including any
28 terms and conditions which are subject to further negotiation;

29 (3) Any bonding and insurance required by law or as may be
30 additionally required by the department;

31 (4) General information about the project which will assist the

1 department in its selection of the construction manager, including a
2 project statement which contains information about the scope and nature
3 of the project, the project site, the schedule, and the estimated budget;

4 (5) The criteria for evaluation of proposals and the relative weight
5 of each criterion;

6 (6) A statement that the construction manager shall not be allowed
7 to sublet, assign, or otherwise dispose of any portion of the contract
8 without consent of the department. In no case shall the department allow
9 the construction manager to sublet more than seventy percent of the work,
10 excluding specialty items; and

11 (7) Other information or requirements which the department, in its
12 discretion, chooses to include in the request for proposals.

13 Sec. 19. (1) Construction managers shall submit proposals as
14 required by the request for proposals;

15 (2) Proposals shall be sealed and shall not be opened until
16 expiration of the time established for making the proposals as set forth
17 in the request for proposals;

18 (3) Proposals may be withdrawn at any time prior to signing a
19 contract for preconstruction services. The department shall have the
20 right to reject any and all proposals at no cost to the department. The
21 department may thereafter solicit new proposals or may cancel the
22 construction manager-general contractor procurement process;

23 (4) The department shall rank the construction managers in
24 accordance with the qualification-based selection process and pursuant to
25 the criteria in the request for proposals. The department may meet with
26 construction managers prior to the ranking;

27 (5) The department may attempt to negotiate a contract for
28 preconstruction services with the highest ranked construction manager and
29 may enter into a contract for preconstruction services after
30 negotiations. If the department is unable to negotiate a satisfactory
31 contract for preconstruction services with the highest ranked

1 construction manager, the department may terminate negotiations with that
2 construction manager. The department may then undertake negotiations with
3 the second highest ranked construction manager and may enter into a
4 contract for preconstruction services after negotiations. If the
5 department is unable to negotiate a satisfactory contract with the second
6 highest ranked construction manager, the department may undertake
7 negotiations with the third highest ranked construction manager, if any,
8 and may enter into a contract for preconstruction services after
9 negotiations.

10 (6) If the department is unable to negotiate a satisfactory contract
11 for preconstruction services with any of the ranked construction
12 managers, the department may either revise the request for proposals and
13 solicit new proposals or cancel the construction manager-general
14 contractor contract process under sections 8 to 23 of this act.

15 Sec. 20. (1) Before the construction manager begins any
16 construction services, the department shall:

17 (a) Conduct an independent cost estimate for the project; and

18 (b) Conduct contract negotiations with the construction manager to
19 develop a construction manager-general contractor contract for
20 construction services.

21 (2) If the construction manager and the department are unable to
22 negotiate a contract, the department may use other contract procurement
23 processes. Persons or organizations who submitted proposals but were
24 unable to negotiate a contract with the department shall be eligible to
25 compete in the other contract procurement processes.

26 Sec. 21. A design-build contract and a construction manager-general
27 contractor contract may be conditioned upon later refinements in scope
28 and price and may permit the department in agreement with the design-
29 builder or construction manager to make changes in the project without
30 invalidating the contract.

31 Sec. 22. The department may enter into agreements under sections 8

1 to 23 of this act to let, design, and construct projects for political
2 subdivisions when any of the funding for such projects is provided by or
3 through the department. In such instances, the department may enter into
4 contracts with the design-builder or construction manager. The provisions
5 of the Political Subdivisions Construction Alternatives Act shall not
6 apply to projects let, designed, and constructed under the supervision of
7 the department pursuant to agreements with political subdivisions under
8 sections 8 to 23 of this act.

9 Sec. 23. Nothing in sections 8 to 23 of this act shall limit or
10 reduce statutory or regulatory requirements regarding insurance.

11 Sec. 24. The department may adopt and promulgate rules and
12 regulations to carry out the Transportation Innovation Act.

13 Sec. 25. Section 39-1348, Revised Statutes Supplement, 2015, is
14 amended to read:

15 39-1348 Except as otherwise provided in sections 8 to 23 of this
16 act, when Before letting contracts for the construction, reconstruction,
17 improvement, maintenance, or repair of roads, bridges, and their
18 appurtenances, the department shall solicit bids as follows:

19 (1) For contracts with an estimated cost, as determined by the
20 department, of greater than one hundred thousand dollars, the department
21 shall advertise for sealed bids for not less than twenty days by
22 publication of a notice thereof once a week for three consecutive weeks
23 in the official county newspaper designated by the county board in the
24 county where the work is to be done and in such additional newspaper or
25 newspapers as may appear necessary to the department in order to give
26 notice of the receiving of bids. Such advertisement shall state the place
27 where the plans and specifications for the work may be inspected and
28 shall designate the time when the bids shall be filed and opened. If
29 through no fault of the department publication of such notice fails to
30 appear in any newspaper or newspapers in the manner provided in this
31 subdivision, the department shall be deemed to have fulfilled the

1 requirements of this subdivision; and

2 (2) For contracts with an estimated cost, as determined by the
3 department, of one hundred thousand dollars or less, the department, in
4 its sole discretion, shall either:

5 (a) Follow the procedures given in subdivision (1) of this section;
6 or

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

12 Sec. 26. Section 39-1365, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-1365 The Legislature finds and declares that the highways of the
15 state are of the utmost importance to future development within the state
16 and that the following actions are necessary for such development: (1)
17 The accelerated completion of all improvement and expansion projects on
18 the Nebraska segments of the National System of Interstate and Defense
19 Highways; (2) the accelerated completion of improvement projects on state
20 highways with geometric and capacity deficiencies; (3) the resurfacing of
21 highways to protect pavement integrity; (4) the accelerated completion of
22 the expressway system, as such system is designated on January 1, 2016,
23 prior to June 30, 2033 ~~development of a system of expressways, which~~
24 ~~shall include, but not be limited to, a north-south expressway;~~ and (5)
25 the general upgrading of the state highway system concerning driving
26 surfaces and surfaced shoulders.

27 Sec. 27. Section 39-1365.02, Revised Statutes Cumulative Supplement,
28 2014, is amended to read:

29 39-1365.02 (1) The Department of Roads shall apply for and make
30 maximum use of available federal funding, including discretionary
31 funding, on all highway construction projects which are eligible for such

1 assistance.

2 (2) The Department of Roads shall transmit electronically to the
3 Legislature, by December 1 of each year, a report on the needs of the
4 state highway system, ~~and the department's planning procedures, and the~~
5 progress being made on the expressway system. Such report shall include:

6 (a) The criteria by which highway needs are determined;

7 (b) The standards established for each classification of highways;

8 (c) An assessment of current and projected needs of the state
9 highway system, such needs to be defined by category of improvement
10 required to bring each segment up to standards. Projected fund
11 availability shall not be a consideration by which needs are determined;

12 (d) Criteria and data, including factors enumerated in section
13 39-1365.01, upon which decisions may be made on possible special priority
14 highways for commercial growth; ~~and~~

15 (e) A review of the department's procedure for selection of projects
16 for the annual construction program, the five-year planning program, and
17 extended planning programs; ~~-~~

18 (f) A review of the progress being made toward completion of the
19 expressway system, as such system is designated on January 1, 2016, and
20 whether such work is on pace for completion prior to June 30, 2033;

21 (g) A review of the Transportation Infrastructure Bank Fund and the
22 fund's component programs under sections 3 to 7 of this act. This review
23 shall include a listing of projects funded and planned to be funded under
24 each of the three component programs; and

25 (h) A review of the outcomes of the Economic Opportunity Program,
26 including the growth in permanent jobs and related income and the net
27 increase in overall business activity.

28 Sec. 28. Section 73-101, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 73-101 Whenever the State of Nebraska, or any department or any
31 agency thereof, any county board, county clerk, county highway

1 superintendent, the mayor and city council or commissioner of any
2 municipality, any entity created pursuant to the Interlocal Cooperation
3 Act or the Joint Public Agency Act, or the officers of any school
4 district, township, or other governmental subdivision, shall advertise
5 for bids in pursuance of any statutes of the State of Nebraska, on any
6 road contract work or any public improvements work, or for supplies,
7 construction, repairs, and improvements, and in all other cases where
8 bids for supplies or work, of any character whatsoever, are received for
9 the various departments and agencies of the state, and other subdivisions
10 and agencies enumerated in this section, they shall fix not only the day
11 upon which such bids shall be returned, received, or opened, as provided
12 by other statutes, but shall also fix the hour at which such bids shall
13 close, or be received or opened, and they shall also provide that such
14 bids shall be immediately and simultaneously opened in the presence of
15 the bidders, or representatives of the bidders, when the hour is reached
16 for the bids to close. If bids are being opened on more than one
17 contract, the officials having in charge the opening of such bids may, if
18 they deem it advisable, award each contract as the bids are opened.
19 Sections 73-101 to 73-106 shall not apply to sections 8 to 23 of this
20 act.

21 Sec. 29. Section 73-307, Revised Statutes Cumulative Supplement,
22 2014, is amended to read:

23 73-307 Sections 73-301 to 73-306 shall not apply to the Nebraska
24 Consultants' Competitive Negotiation Act, sections 8 to 23 of this act,
25 or section 57-1503.

26 Sections 73-301 to 73-306 shall not be construed to apply to
27 renewals of contracts already approved pursuant to or not subject to such
28 sections, to amendments to such contracts, or to renewals of such
29 amendments unless the amendments would directly cause or result in the
30 replacement by the private entity of additional permanent state employees
31 or positions greater than the replacement caused by the original

1 contract.

2 Sec. 30. Section 81-1701, Revised Statutes Supplement, 2015, is
3 amended to read:

4 81-1701 The purpose of the Nebraska Consultants' Competitive
5 Negotiation Act is to provide managerial control over competitive
6 negotiations by the state for acquisition of professional architectural,
7 engineering, landscape architecture, or land surveying services. The act
8 does not apply to (1) contracts under section 57-1503, (2) ~~or~~ contracts
9 under subsection (4) of section 39-1349, or (3) contracts under sections
10 8 to 23 of this act, except as provided in section 10 of this act.

11 Sec. 31. Section 84-612, Revised Statutes Supplement, 2015, is
12 amended to read:

13 84-612 (1) There is hereby created within the state treasury a fund
14 known as the Cash Reserve Fund which shall be under the direction of the
15 State Treasurer. The fund shall only be used pursuant to this section.

16 (2) The State Treasurer shall transfer funds from the Cash Reserve
17 Fund to the General Fund upon certification by the Director of
18 Administrative Services that the current cash balance in the General Fund
19 is inadequate to meet current obligations. Such certification shall
20 include the dollar amount to be transferred. Any transfers made pursuant
21 to this subsection shall be reversed upon notification by the Director of
22 Administrative Services that sufficient funds are available.

23 (3) In addition to receiving transfers from other funds, the Cash
24 Reserve Fund shall receive federal funds received by the State of
25 Nebraska for undesignated general government purposes, federal revenue
26 sharing, or general fiscal relief of the state.

27 (4) On July 7, 2009, the State Treasurer shall transfer five million
28 dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The
29 Department of Roads shall use such funds to provide the required state
30 match for federal funding made available to the state through
31 congressional earmarks.

1 (5) The State Treasurer shall transfer a total of sixty-eight
2 million dollars from the Cash Reserve Fund to the General Fund on or
3 before June 30, 2013, on such dates and in such amounts as directed by
4 the budget administrator of the budget division of the Department of
5 Administrative Services.

6 (6) The State Treasurer shall transfer ten million dollars from the
7 Cash Reserve Fund to the General Fund on or before June 30, 2013, on such
8 date as directed by the budget administrator of the budget division of
9 the Department of Administrative Services.

10 (7) The State Treasurer, at the direction of the budget
11 administrator of the budget division of the Department of Administrative
12 Services, shall transfer not to exceed forty-three million fifteen
13 thousand four hundred fifty-nine dollars in total from the Cash Reserve
14 Fund to the Nebraska Capital Construction Fund between July 1, 2013, and
15 June 30, 2017.

16 (8) The State Treasurer shall transfer fourteen million five hundred
17 thousand dollars from the Cash Reserve Fund to the Nebraska Capital
18 Construction Fund on or before June 30, 2015, on such date as directed by
19 the budget administrator of the budget division of the Department of
20 Administrative Services.

21 (9) The State Treasurer shall transfer fifty million five hundred
22 thousand dollars from the Cash Reserve Fund to the General Fund on or
23 before December 31, 2014, on such date as directed by the budget
24 administrator of the budget division of the Department of Administrative
25 Services.

26 (10) The State Treasurer shall transfer up to five million five
27 hundred thousand dollars from the Cash Reserve Fund to the Republican
28 River Compact Litigation Contingency Cash Fund on or before June 30,
29 2015, on such dates and in such amounts as directed by the budget
30 administrator of the budget division of the Department of Administrative
31 Services.

1 (11) The State Treasurer shall transfer up to seventeen million two
2 hundred one thousand one hundred twelve dollars from the Cash Reserve
3 Fund to the General Fund on or before June 30, 2015, on such date and in
4 such amount as directed by the budget administrator of the budget
5 division of the Department of Administrative Services.

6 (12) The State Treasurer shall transfer twenty-five million dollars
7 from the Cash Reserve Fund to the Nebraska Capital Construction Fund on
8 or after July 1, 2015, but before July 15, 2015, on such date as directed
9 by the budget administrator of the budget division of the Department of
10 Administrative Services for the Global Center for Advanced
11 Interprofessional Learning.

12 (13) The State Treasurer shall transfer eight million dollars from
13 the Cash Reserve Fund to the Oral Health Training and Services Fund, on
14 or after July 1, 2015, but before July 15, 2015, on such date as directed
15 by the budget administrator of the budget division of the Department of
16 Administrative Services.

17 (14) The State Treasurer shall transfer the following amounts from
18 the Cash Reserve Fund to the Nebraska Capital Construction Fund on such
19 dates as directed by the budget administrator of the budget division of
20 the Department of Administrative Services:

21 (a) Seven million eight hundred four thousand two hundred ninety-two
22 dollars on or after June 15, 2016, but before June 30, 2016;

23 (b) Seven million one hundred sixty thousand four hundred twelve
24 dollars on or after June 15, 2019, but before June 30, 2019;

25 (c) Nine million four hundred ninety-two thousand five hundred
26 sixty-eight dollars on or after June 15, 2021, but before June 30, 2021;
27 and

28 (d) Three million seven hundred eighty-three thousand seven hundred
29 thirty-four dollars after June 15, 2023, but before June 30, 2023.

30 (15) The State Treasurer shall transfer fifty million dollars from
31 the Cash Reserve Fund to the Transportation Infrastructure Bank Fund, on

1 or after July 1, 2016, but before July 15, 2016, on such date as directed
2 by the budget administrator of the budget division of the Department of
3 Administrative Services for expenditures authorized by sections 3 to 7 of
4 this act.

5 Sec. 32. Original sections 39-1365 and 73-101, Reissue Revised
6 Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes
7 Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612,
8 Revised Statutes Supplement, 2015, are repealed.

9 Sec. 33. Since an emergency exists, this act takes effect when
10 passed and approved according to law.