

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 763

Introduced by Brashear, 4

Read first time January 22, 2003

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to bids and bidding; to amend section 81-161,
2 Revised Statutes Supplement, 2002; to provide a
3 preference for Nebraska products, Nebraska-based
4 businesses, and businesses paying Nebraska property
5 taxes; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-161, Revised Statutes Supplement,
2 2002, is amended to read:

3 81-161. (1) All purchases, leases, or contracts which by
4 law are required to be based on competitive bids shall be made to
5 the lowest responsible bidder, taking into consideration the best
6 interests of the state, the quality or performance of the personal
7 property proposed to be supplied, its conformity with
8 specifications, the purposes for which required, and the times of
9 delivery. In determining the lowest responsible bidder, in
10 addition to price, the following elements shall be given
11 consideration:

12 (a) ~~(1)~~ The ability, capacity, and skill of the bidder to
13 perform the contract required;

14 (b) ~~(2)~~ The character, integrity, reputation, judgment,
15 experience, and efficiency of the bidder;

16 (c) ~~(3)~~ Whether the bidder can perform the contract
17 within the time specified;

18 (d) ~~(4)~~ The quality of performance of previous contracts;

19 (e) ~~(5)~~ The previous and existing compliance by the
20 bidder with laws relating to the contract;

21 (f) ~~(6)~~ The life-cycle costs of the personal property in
22 relation to the purchase price and specific use of the item;

23 (g) ~~(7)~~ The performance of the personal property, taking
24 into consideration any commonly accepted tests and standards of
25 product usability and user requirements;

26 (h) ~~(8)~~ Energy efficiency ratio as stated by the bidder
27 for alternative choices of appliances or equipment;

28 (i) ~~(9)~~ The information furnished by each bidder

1 concerning life-cycle costs between alternatives for all classes of
2 equipment, evidence of expected life, repair and maintenance costs,
3 and energy consumption on a per-year basis;

4 (j) ~~(10)~~ The results of the United States Environmental
5 Protection Agency tests on fleet performance of motor vehicles.
6 Each bidder shall furnish information relating to such results; and

7 (k) ~~(11)~~ Such other information as may be secured having
8 a bearing on the decision to award the contract.

9 (2) Preference shall be given to purchases, leases, or
10 contracts for Nebraska products, with Nebraska-based businesses, or
11 with businesses paying Nebraska property taxes, if the bid
12 submitted is comparable in price to bids submitted by out-of-state
13 businesses and the bid otherwise meets the required specifications.

14 (3) All political subdivisions may follow the procurement
15 principles set forth in this section if they are deemed applicable
16 by the official authorized to make purchases for such political
17 subdivision.

18 Sec. 2. Original section 81-161, Revised Statutes
19 Supplement, 2002, is repealed.