

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 978

FINAL READING

Introduced by Mello, 5; Haar, 21.

Read first time January 19, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Department of Administrative Services;
2 to amend section 81-161, Reissue Revised Statutes of
3 Nebraska; to provide requirements relating to energy star
4 certified appliances in the competitive bidding process;
5 to provide powers for the materiel administrator; and to
6 repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-161, Reissue Revised Statutes of
2 Nebraska, 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
5 to the lowest responsible bidder, taking into consideration the
6 best interests of the state, the quality or performance of the
7 personal 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 addition
10 to price, the following elements shall be given consideration:

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

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

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

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

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

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

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

25 ~~(8)~~ (h) Energy efficiency ratio as stated by the bidder

1 for alternative choices of appliances or equipment;

2 ~~(9)~~ (i) The information furnished by each bidder
3 concerning life-cycle costs between alternatives for all classes of
4 equipment, evidence of expected life, repair and maintenance costs,
5 and energy consumption on a per-year basis;

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

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

11 (2) Any appliance purchased or leased pursuant to this
12 section shall be energy star certified, except that the materiel
13 administrator may exempt the purchase or lease of an appliance from
14 this subsection if he or she determines that the cost of compliance
15 would exceed the projected energy cost savings.

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

20 (4) For purposes of this section, energy star certified
21 means approval of energy usage by the United States Environmental
22 Protection Agency and the United States Department of Energy. Such
23 approval may be signified by the display of the energy star label.

24 Sec. 2. Original section 81-161, Reissue Revised Statutes
25 of Nebraska, is repealed.