

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 960

FINAL READING

Introduced by Smith, 14; at the request of the Governor.

Read first time January 14, 2016

Committee: Appropriations

1 A BILL FOR AN ACT relating to transportation; to amend sections 39-1365
2 and 73-101, Reissue Revised Statutes of Nebraska, sections
3 39-1365.02 and 73-307, Revised Statutes Cumulative Supplement, 2014,
4 and sections 39-1348, 81-1701, and 84-612, Revised Statutes
5 Supplement, 2015; to adopt the Transportation Innovation Act; to
6 change provisions relating to road and bridge construction projects;
7 to restate intent; to change reporting requirements; to exempt
8 certain projects from public bidding and contracting requirements as
9 prescribed; to provide for a transfer from the Cash Reserve Fund; to
10 harmonize provisions; to repeal the original sections; and to
11 declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

20 (5) Construction services means activities associated with building
21 the project;

22 (6) Department means the Department of Roads;

23 (7) Design-build contract means a contract between the department
24 and a design-builder which is subject to a best value-based selection
25 process to furnish (a) architectural, engineering, and related design
26 services and (b) labor, materials, supplies, equipment, and construction
27 services;

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

30 (9) Multimodal transportation network means the interconnected
31 system of highways, roads, streets, rail lines, river ports, and transit

1 systems which facilitates the movement of people and freight to enhance
2 Nebraska's economy;

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

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

18 (12) Proposal means an offer in response to a request for proposals
19 (a) by a design-builder to enter into a design-build contract or (b) by a
20 construction manager to enter into a construction manager-general
21 contractor contract;

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

24 (14) Request for proposals means the documentation by which the
25 department solicits proposals; and

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

28 Sec. 3. (1) The Transportation Infrastructure Bank Fund is created.
29 The fund shall be administered by the department and shall be used for
30 purposes of sections 3 to 7 of this act. Any money in the fund available
31 for investment shall be invested by the state investment officer pursuant

1 to the Nebraska Capital Expansion Act and the Nebraska State Funds
2 Investment Act. Investment earnings from investment of money in the fund
3 shall be credited to the fund.

4 (2) The Transportation Infrastructure Bank Fund shall consist of
5 money transferred from the Cash Reserve Fund pursuant to section 84-612
6 and any other money as determined by the Legislature.

7 (3) It is the intent of the Legislature that additional fuel tax
8 revenue generated by Laws 2015, LB610, shall be transferred from the
9 Roads Operations Cash Fund to the Transportation Infrastructure Bank
10 Fund. Transfers shall be initiated each fiscal year by the State
11 Treasurer following certification of revenue receipts by the Director-
12 State Engineer from July 1, 2016, through June 2033. Transferred funds
13 shall be used for purposes of sections 3 to 7 of this act.

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

24 Sec. 5. (1) The County Bridge Match Program is created. The
25 department shall administer the program using funds from the
26 Transportation Infrastructure Bank Fund, except that no more than forty
27 million dollars shall be expended for this program. The purpose of the
28 program is to promote innovative solutions and provide additional funding
29 to accelerate the repair and replacement of deficient bridges on the
30 county road system. The department shall develop the program, including
31 participation criteria and matching fund requirements for counties, in

1 consultation with a statewide association representing county officials.
2 Participation by counties in the program shall be voluntary. The details
3 of the program shall be presented to the Appropriations Committee and the
4 Transportation and Telecommunications Committee of the Legislature on or
5 before December 1, 2016.

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

7 Sec. 6. The Economic Opportunity Program is created. The Department
8 of Roads shall administer the program in consultation with the Department
9 of Economic Development using funds from the Transportation
10 Infrastructure Bank Fund, except that no more than twenty million dollars
11 shall be expended for this program. The purpose of the program is to
12 finance transportation improvements to attract and support new businesses
13 and business expansions by successfully connecting such businesses to
14 Nebraska's multimodal transportation network and to increase employment,
15 create high-quality jobs, increase business investment, and revitalize
16 rural and other distressed areas of the state. The Department of Roads
17 shall develop the program, including the application process, criteria
18 for providing funding, matching requirements, and provisions for
19 recapturing funds awarded for projects with unmet obligations, in
20 consultation with statewide associations representing municipal and
21 county officials, economic developers, and the Department of Economic
22 Development. No project shall be approved through the Economic
23 Opportunity Program without an economic impact analysis proving positive
24 economic impact. The details of the program shall be presented to the
25 Appropriations Committee and the Transportation and Telecommunications
26 Committee of the Legislature on or before December 1, 2016.

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

31 Sec. 8. The purpose of sections 8 to 23 of this act is to provide

1 the department alternative methods of contracting for public projects.
2 The alternative methods of contracting shall be available to the
3 department for use on any project regardless of the funding source.
4 Notwithstanding any other provision of state law to the contrary, the
5 Transportation Innovation Act shall govern the design-build and
6 construction manager-general contractor procurement process.

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

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

24 Sec. 11. The department shall adopt guidelines for entering into a
25 design-build contract or construction manager-general contractor
26 contract. The guidelines shall include the following:

- 27 (1) Preparation and content of requests for qualifications;
28 (2) Preparation and content of requests for proposals;
29 (3) Qualification and short-listing of design-builders and
30 construction managers. The guidelines shall provide that the department
31 will evaluate prospective design-builders and construction managers based

1 on the information submitted to the department in response to a request
2 for qualifications and will select a short list of design-builders or
3 construction managers who shall be considered qualified and eligible to
4 respond to the request for proposals;

5 (4) Preparation and submittal of proposals;

6 (5) Procedures and standards for evaluating proposals;

7 (6) Procedures for negotiations between the department and the
8 design-builders or construction managers submitting proposals prior to
9 the acceptance of a proposal if any such negotiations are contemplated;
10 and

11 (7) Procedures for the evaluation of construction under a design-
12 build contract to determine adherence to the project performance
13 criteria.

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

17 Sec. 13. (1) The department shall prepare a request for
18 qualifications for design-build proposals and shall prequalify design-
19 builders. The request for qualifications shall describe the project in
20 sufficient detail to permit a design-builder to respond. The request for
21 qualifications shall identify the maximum number of design-builders the
22 department will place on a short list as qualified and eligible to
23 receive a request for proposals.

24 (2) A person or organization hired by the department under section
25 10 of this act shall be ineligible to compete for a design-build contract
26 on the same project for which the person or organization was hired.

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

31 (4) The department shall create a short list of qualified and

1 eligible design-builders in accordance with the guidelines adopted
2 pursuant to section 11 of this act. The department shall select at least
3 two prospective design-builders, except that if only one design-builder
4 has responded to the request for qualifications, the department may, in
5 its discretion, proceed or cancel the procurement. The request for
6 proposals shall be sent only to the design-builders placed on the short
7 list.

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

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

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

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

20 (4) A statement regarding alternative technical concepts including
21 the process and time period in which such concepts may be submitted,
22 confidentiality of the concepts, and ownership of the rights to the
23 intellectual property contained in such concepts;

24 (5) Project performance criteria;

25 (6) Budget parameters for the project;

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

28 (8) The criteria for evaluation of proposals and the relative weight
29 of each criterion. The criteria shall include, but are not limited to,
30 the cost of the work, construction experience, design experience, and the
31 financial, personnel, and equipment resources available for the project.

1 The relative weight to apply to any criterion shall be at the discretion
2 of the department based on each project, except that in all cases, the
3 cost of the work shall be given a relative weight of at least fifty
4 percent;

5 (9) A requirement that the design-builder provide a written
6 statement of the design-builder's proposed approach to the design and
7 construction of the project, which may include graphic materials
8 illustrating the proposed approach to design and construction and shall
9 include price proposals;

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

12 (a) At the time of the design-build proposal, the design-builder
13 must furnish to the department a written statement identifying the
14 architect or engineer who will perform the architectural or engineering
15 work for the project. The architect or engineer engaged by the design-
16 builder to perform the architectural or engineering work with respect to
17 the project must have direct supervision of such work and may not be
18 removed by the design-builder prior to the completion of the project
19 without the written consent of the department;

20 (b) At the time of the design-build proposal, the design-builder
21 must furnish to the department a written statement identifying the
22 general contractor who will provide the labor, material, supplies,
23 equipment, and construction services. The general contractor identified
24 by the design-builder may not be removed by the design-builder prior to
25 completion of the project without the written consent of the department;

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

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

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

6 Sec. 15. The department shall pay a stipend to qualified design-
7 builders that submit responsive proposals but are not selected. Payment
8 of the stipend shall give the department ownership of the intellectual
9 property contained in the proposals and alternative technical concepts.
10 The amount of the stipend shall be at the discretion of the department.

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

23 (2) Proposals shall be sealed and shall not be opened until
24 expiration of the time established for making the proposals as set forth
25 in the request for proposals.

26 (3) Proposals may be withdrawn at any time prior to the opening of
27 such proposals in which case no stipend shall be paid. The department
28 shall have the right to reject any and all proposals at no cost to the
29 department other than any stipend for design-builders who have submitted
30 responsive proposals. The department may thereafter solicit new proposals
31 using the same or different project performance criteria or may cancel

1 the design-build solicitation.

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

5 (5) The department may attempt to negotiate a design-build contract
6 with the highest ranked design-builder selected by the department and may
7 enter into a design-build contract after negotiations. If the department
8 is unable to negotiate a satisfactory design-build contract with the
9 highest ranked design-builder, the department may terminate negotiations
10 with that design-builder. The department may then undertake negotiations
11 with the second highest ranked design-builder and may enter into a
12 design-build contract after negotiations. If the department is unable to
13 negotiate a satisfactory contract with the second highest ranked design-
14 builder, the department may undertake negotiations with the third highest
15 ranked design-builder, if any, and may enter into a design-build contract
16 after negotiations.

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

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

24 (2) The department shall prepare a request for qualifications for
25 construction manager-general contractor contract proposals and shall
26 prequalify construction managers. The request for qualifications shall
27 describe the project in sufficient detail to permit a construction
28 manager to respond. The request for qualifications shall identify the
29 maximum number of eligible construction managers the department will
30 place on a short list as qualified and eligible to receive a request for
31 proposals.

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

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

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

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

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

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

24 (4) General information about the project which will assist the
25 department in its selection of the construction manager, including a
26 project statement which contains information about the scope and nature
27 of the project, the project site, the schedule, and the estimated budget;

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

30 (6) A statement that the construction manager shall not be allowed
31 to sublet, assign, or otherwise dispose of any portion of the contract

1 without consent of the department. In no case shall the department allow
2 the construction manager to sublet more than seventy percent of the work,
3 excluding specialty items; and

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

6 Sec. 19. (1) Construction managers shall submit proposals as
7 required by the request for proposals.

8 (2) Proposals shall be sealed and shall not be opened until
9 expiration of the time established for making the proposals as set forth
10 in the request for proposals.

11 (3) Proposals may be withdrawn at any time prior to signing a
12 contract for preconstruction services. The department shall have the
13 right to reject any and all proposals at no cost to the department. The
14 department may thereafter solicit new proposals or may cancel the
15 construction manager-general contractor procurement process.

16 (4) The department shall rank the construction managers in
17 accordance with the qualification-based selection process and pursuant to
18 the criteria in the request for proposals. The department may meet with
19 construction managers prior to the ranking.

20 (5) The department may attempt to negotiate a contract for
21 preconstruction services with the highest ranked construction manager and
22 may enter into a contract for preconstruction services after
23 negotiations. If the department is unable to negotiate a satisfactory
24 contract for preconstruction services with the highest ranked
25 construction manager, the department may terminate negotiations with that
26 construction manager. The department may then undertake negotiations with
27 the second highest ranked construction manager and may enter into a
28 contract for preconstruction services after negotiations. If the
29 department is unable to negotiate a satisfactory contract with the second
30 highest ranked construction manager, the department may undertake
31 negotiations with the third highest ranked construction manager, if any,

1 and may enter into a contract for preconstruction services after
2 negotiations.

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

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

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

11 (b) Conduct contract negotiations with the construction manager to
12 develop a construction manager-general contractor contract for
13 construction services.

14 (2) If the construction manager and the department are unable to
15 negotiate a contract, the department may use other contract procurement
16 processes. Persons or organizations who submitted proposals but were
17 unable to negotiate a contract with the department shall be eligible to
18 compete in the other contract procurement processes.

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

24 Sec. 22. The department may enter into agreements under sections 8
25 to 23 of this act to let, design, and construct projects for political
26 subdivisions when any of the funding for such projects is provided by or
27 through the department. In such instances, the department may enter into
28 contracts with the design-builder or construction manager. The provisions
29 of the Political Subdivisions Construction Alternatives Act shall not
30 apply to projects let, designed, and constructed under the supervision of
31 the department pursuant to agreements with political subdivisions under

1 sections 8 to 23 of this act.

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

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

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

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

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

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

29 (a) Follow the procedures given in subdivision (1) of this section;

30 or

31 (b) Request bids from at least three potential bidders for such

1 work. If the department requests bids under this subdivision, it shall
2 designate a time when the bids shall be opened. The department may award
3 a contract pursuant to this subdivision if it receives at least one
4 responsive bid.

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

7 39-1365 The Legislature finds and declares that the highways of the
8 state are of the utmost importance to future development within the state
9 and that the following actions are necessary for such development: (1)
10 The accelerated completion of all improvement and expansion projects on
11 the Nebraska segments of the National System of Interstate and Defense
12 Highways; (2) the accelerated completion of improvement projects on state
13 highways with geometric and capacity deficiencies; (3) the resurfacing of
14 highways to protect pavement integrity; (4) the accelerated completion of
15 the expressway system, as such system was designated on January 1, 2016,
16 prior to June 30, 2033 ~~development of a system of expressways, which~~
17 ~~shall include, but not be limited to, a north-south expressway;~~ and (5)
18 the general upgrading of the state highway system concerning driving
19 surfaces and surfaced shoulders.

20 Sec. 27. Section 39-1365.02, Revised Statutes Cumulative Supplement,
21 2014, is amended to read:

22 39-1365.02 (1) The Department of Roads shall apply for and make
23 maximum use of available federal funding, including discretionary
24 funding, on all highway construction projects which are eligible for such
25 assistance.

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

- 30 (a) The criteria by which highway needs are determined;
31 (b) The standards established for each classification of highways;

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

5 (d) Criteria and data, including factors enumerated in section
6 39-1365.01, upon which decisions may be made on possible special priority
7 highways for commercial growth; ~~and~~

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

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

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

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

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

23 73-101 Whenever the State of Nebraska, or any department or any
24 agency thereof, any county board, county clerk, county highway
25 superintendent, the mayor and city council or commissioner of any
26 municipality, any entity created pursuant to the Interlocal Cooperation
27 Act or the Joint Public Agency Act, or the officers of any school
28 district, township, or other governmental subdivision, shall advertise
29 for bids in pursuance of any statutes of the State of Nebraska, on any
30 road contract work or any public improvements work, or for supplies,
31 construction, repairs, and improvements, and in all other cases where

1 bids for supplies or work, of any character whatsoever, are received for
2 the various departments and agencies of the state, and other subdivisions
3 and agencies enumerated in this section, they shall fix not only the day
4 upon which such bids shall be returned, received, or opened, as provided
5 by other statutes, but shall also fix the hour at which such bids shall
6 close, or be received or opened, and they shall also provide that such
7 bids shall be immediately and simultaneously opened in the presence of
8 the bidders, or representatives of the bidders, when the hour is reached
9 for the bids to close. If bids are being opened on more than one
10 contract, the officials having in charge the opening of such bids may, if
11 they deem it advisable, award each contract as the bids are opened.
12 Sections 73-101 to 73-106 shall not apply to sections 8 to 23 of this
13 act.

14 Sec. 29. Section 73-307, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 73-307 Sections 73-301 to 73-306 shall not apply to the Nebraska
17 Consultants' Competitive Negotiation Act, sections 8 to 23 of this act,
18 or section 57-1503.

19 Sections 73-301 to 73-306 shall not be construed to apply to
20 renewals of contracts already approved pursuant to or not subject to such
21 sections, to amendments to such contracts, or to renewals of such
22 amendments unless the amendments would directly cause or result in the
23 replacement by the private entity of additional permanent state employees
24 or positions greater than the replacement caused by the original
25 contract.

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

28 81-1701 The purpose of the Nebraska Consultants' Competitive
29 Negotiation Act is to provide managerial control over competitive
30 negotiations by the state for acquisition of professional architectural,
31 engineering, landscape architecture, or land surveying services. The act

1 does not apply to (1) contracts under section 57-1503, (2) ~~or~~ contracts
2 under subsection (4) of section 39-1349, or (3) contracts under sections
3 8 to 23 of this act except as provided in section 10 of this act.

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

6 84-612 (1) There is hereby created within the state treasury a fund
7 known as the Cash Reserve Fund which shall be under the direction of the
8 State Treasurer. The fund shall only be used pursuant to this section.

9 (2) The State Treasurer shall transfer funds from the Cash Reserve
10 Fund to the General Fund upon certification by the Director of
11 Administrative Services that the current cash balance in the General Fund
12 is inadequate to meet current obligations. Such certification shall
13 include the dollar amount to be transferred. Any transfers made pursuant
14 to this subsection shall be reversed upon notification by the Director of
15 Administrative Services that sufficient funds are available.

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

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

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

30 (6) The State Treasurer shall transfer ten million dollars from the
31 Cash Reserve Fund to the General Fund on or before June 30, 2013, on such

1 date as directed by the budget administrator of the budget division of
2 the Department of Administrative Services.

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

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

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

19 (10) The State Treasurer shall transfer up to five million five
20 hundred thousand dollars from the Cash Reserve Fund to the Republican
21 River Compact Litigation Contingency Cash Fund on or before June 30,
22 2015, on such dates and in such amounts as directed by the budget
23 administrator of the budget division of the Department of Administrative
24 Services.

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

30 (12) The State Treasurer shall transfer twenty-five million dollars
31 from the Cash Reserve Fund to the Nebraska Capital Construction Fund on

1 or after July 1, 2015, but before July 15, 2015, on such date as directed
2 by the budget administrator of the budget division of the Department of
3 Administrative Services for the Global Center for Advanced
4 Interprofessional Learning.

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

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

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

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

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

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

23 (15) The State Treasurer shall transfer fifty million dollars from
24 the Cash Reserve Fund to the Transportation Infrastructure Bank Fund, on
25 or after July 1, 2016, but before July 15, 2016, on such date as directed
26 by the budget administrator of the budget division of the Department of
27 Administrative Services for expenditures authorized by sections 3 to 7 of
28 this act.

29 Sec. 32. Original sections 39-1365 and 73-101, Reissue Revised
30 Statutes of Nebraska, sections 39-1365.02 and 73-307, Revised Statutes
31 Cumulative Supplement, 2014, and sections 39-1348, 81-1701, and 84-612,

1 Revised Statutes Supplement, 2015, are repealed.

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