Introduced by Slama, 1, Chairman Enrollment and Review

1. Strike the original sections and all amendments thereto and
insert the following new sections:

   Section 1. Section 13-2904, Reissue Revised Statutes of Nebraska, is
amended to read:

   13-2904 (1) Notwithstanding the procedures for public lettings in
sections 73-101 to 73-106 or any other statute relating to the letting of
bids by a political subdivision, a political subdivision which follows
the Political Subdivisions Construction Alternatives Act may solicit and
execute a design-build contract or a construction management at risk
contract.

   (2) The governing body of the political subdivision shall adopt a
resolution selecting the design-build contract or construction management
at risk contract delivery system provided under the act prior to
proceeding with the provisions of sections 13-2905 to 13-2914. The
resolution shall require the affirmative vote of at least two-thirds of
the governing body of the political subdivision. The resolution shall
include a statement that the political subdivision has made a
determination that the design-build contract or construction management
at risk contract delivery system is in the public interest based, at a
minimum, on one of the following criteria: (a) Savings in cost or time;
or (b) requirement of specialized or complex construction methods
suitable for the design-build contract or construction management at risk
contract delivery system.

Sec. 2. Section 13-2914, Revised Statutes Supplement, 2019, is
amended to read:

   13-2914 (1) A political subdivision shall not use a design-build
contract or construction management at risk contract under the Political
Subdivisions Construction Alternatives Act for a project, in whole or in part, for road, street, or highway, water, wastewater, utility, or sewer construction.

(2) A city of the metropolitan class may use a design-build contract or construction management at risk contract under the Political Subdivisions Construction Alternatives Act for the purpose of complying with state or federal requirements to control or minimize overflows from combined sewers.

(3) A political subdivision may use a design-build contract or construction management at risk contract under the Political Subdivisions Construction Alternatives Act for a project, in whole or in part, for water, wastewater, utility, or sewer construction.

Sec. 3. Section 73-507, Reissue Revised Statutes of Nebraska, is amended to read:

73-507 (1) Subject to review by the Director of Administrative Services, the division shall provide procedures to grant limited exceptions from sections 73-504, 73-508, and 73-509 for:

(a) Sole source contracts, emergency contracts, and contracts for services when the price has been established by the federal General Services Administration or competitively bid by another state or group of states, a group of states and any political subdivision of any other state, a political subdivision of another state, or a cooperative purchasing organization on behalf of a group of states or political subdivisions; and

(b) Other circumstances or specific contracts when any of the requirements of sections 73-504, 73-508, and 73-509 are not appropriate for or are not compatible with the circumstances or contract. The division shall provide a written rationale which shall be kept on file when granting an exception under this subdivision.

(2) The following types of contracts for services are not subject to sections 73-504, 73-508, 73-509, and 73-510:
(a) Contracts for services subject to the Nebraska Consultants' Competitive Negotiation Act;

(b) Contracts for services subject to federal law, regulation, or policy or state statute, under which a state agency is required to use a different selection process or to contract with an identified contractor or type of contractor;

(c) Contracts for professional legal services and services of expert witnesses, hearing officers, or administrative law judges retained by state agencies for administrative or court proceedings;

(d) Contracts involving state or federal financial assistance passed through by a state agency to a political subdivision;

(e) Contracts with a value of fifteen million dollars or less with direct providers of medical, behavioral, or developmental health services, child care, or child welfare services to an individual;

(f) Agreements for services to be performed for a state agency by another state or local government agency or contracts made by a state agency with a local government agency for the direct provision of services to the public;

(g) Agreements for services between a state agency and the University of Nebraska, the Nebraska state colleges, the courts, the Legislature, or other officers or state agencies established by the Constitution of Nebraska;

(h) Department of Insurance contracts for financial or actuarial examination, for rehabilitation, conservation, reorganization, or liquidation of licensees, and for professional services related to residual pools or excess funds under the agency's control;

(i) Department of Transportation contracts for all road and bridge projects;

(j) Nebraska Investment Council contracts; and

(k) Contracts under section 57-1503.

Sec. 4. Section 81-153, Reissue Revised Statutes of Nebraska, is
amended to read:

81-153 The materiel division shall have the power and duty to:

1. Purchase or contract for, in the name of the state, the personal property required by the using agencies and the state;

2. Promulgate, apply, and enforce standard specifications established as provided in section 81-154;

3. Sell and dispose of personal property that is not needed by the state or its using agencies as provided in section 81-161.04 or initiate trade-ins when determined to be in the best interest of the state;

4. Determine the utility, quality, fitness, and suitability of all personal property tendered or furnished;

5. Make rules and regulations consistent with sections 81-145 to 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions thereof. Such rules and regulations shall include provisions for modifying and terminating purchase contracts and the cost principles to be used in such modification or termination;

6. Employ such clerical, technical, and other assistants as may be necessary to properly administer such sections, fix their compensation, and prescribe their duties in connection therewith, subject to existing laws and appropriations;

7. Allow the purchase of personal property without competitive bidding when the price has been established by the federal General Services Administration or to allow the purchase of personal property by participation in a contract competitively bid by another state or group of states, a group of states and any political subdivision of any other state, a political subdivision of another state, or a cooperative purchasing organization on behalf of a group of states or political subdivisions. The division may also give consideration to a sheltered workshop pursuant to section 48-1503 in making such purchases;

8. Enter into any personal property lease agreement when it appears to be in the best interest of the state; and
(9) Negotiate purchases and contracts when conditions exist to
defeat the purpose and principles of public competitive bidding.

Sec. 5. Section 81-1118.06, Reissue Revised Statutes of Nebraska, is
amended to read:

81-1118.06  (1) The purposes of the state purchasing bureau created
by section 81-1118 are:

(a) (1) To increase public confidence in the procedures followed in
public procurement;

(b) (2) To insure the fair and equitable treatment of all persons
who deal with the procurement system of this state;

(c) (3) To provide increased economy in state procurement activities
and maximize to the fullest extent practicable the purchasing value of
the public funds of the state;

(d) (4) To foster effective broad-based competition within the free
enterprise system; and

(e) (5) To provide safeguards for the maintenance of a procurement
system of quality and integrity.

(2) The state purchasing bureau may lead the negotiation of a
contract competitively bid for goods or services in which the state is
interested and on behalf of a cooperative purchasing organization on
behalf of a group of states or political subdivisions.

Sec. 6. Original sections 13-2904, 73-507, 81-153, and 81-1118.06,
Reissue Revised Statutes of Nebraska, and section 13-2914, Revised
Statutes Supplement, 2019, are repealed.

2. On page 1, strike beginning with "state" in line 1 through line 6
and insert "public lettings and contracts; to amend sections 13-2904,
73-507, 81-153, and 81-1118.06, Reissue Revised Statutes of Nebraska, and
section 13-2914, Revised Statutes Supplement, 2019; to change the
Political Subdivisions Construction Alternatives Act; to provide
exceptions to certain state bidding requirements and contract approval
procedures; to provide and change powers and duties of the materiel
division of the Department of Administrative Services; and to repeal the
original sections.".