

AMENDMENTS TO LB1037

Introduced by Government, Military and Veterans Affairs.

1 1. Insert the following new sections:

2 Sec. 2. Section 81-153, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 81-153 The materiel division shall have the power and duty to:

5 (1) Purchase or contract for, in the name of the state, the personal
6 property required by the using agencies and the state;

7 (2) Promulgate, apply, and enforce standard specifications
8 established as provided in section 81-154;

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

12 (4) Determine the utility, quality, fitness, and suitability of all
13 personal property tendered or furnished;

14 (5) Make rules and regulations consistent with sections 81-145 to
15 81-171 and 81-1118 to 81-1118.06 to carry into effect the provisions
16 thereof. Such rules and regulations shall include provisions for
17 modifying and terminating purchase contracts and the cost principles to
18 be used in such modification or termination;

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

23 (7) Allow the purchase of personal property without competitive
24 bidding when the price has been established by the federal General
25 Services Administration or to allow the purchase of personal property by
26 participation in a contract competitively bid by another state or group
27 of states, a group of states and any political subdivision of any other

1 state, or a cooperative purchasing organization on behalf of a group of
2 states. The division may also give consideration to a sheltered workshop
3 pursuant to section 48-1503 in making such purchases;

4 (8) Enter into any personal property lease agreement when it appears
5 to be in the best interest of the state;~~and~~

6 (9) Negotiate purchases and contracts when conditions exist to
7 defeat the purpose and principles of public competitive bidding; ~~and -~~

8 (10) Obtain an electronic procurement system, which shall be funded
9 or paid for by providing the system provider with, as determined by the
10 materiel administrator, a percentage or portion of identified
11 transactions. Such percentage or portion may be collected by the system
12 provider from contractors and bidders.

13 Sec. 3. Section 81-1120, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 81-1120 (1) There is hereby created the Materiel Division Revolving
16 Fund. The fund shall be administered by the materiel division of the
17 Department of Administrative Services. The fund shall consist of (a) fees
18 paid for printing, copying, central supply, and mailing services provided
19 to state agencies and local subdivisions by the division, ~~and~~ (b)
20 assessments charged by the materiel administrator to state agencies,
21 boards, and commissions for purchasing services provided by the division, ~~and~~
22 and (c) any money collected pursuant to subdivision (10) of section
23 81-153. Such assessments shall be adequate to cover actual and necessary
24 expenses that are associated with providing the service and not otherwise
25 covered by the money collected pursuant to subdivision (10) of section
26 81-153. The fund shall be used to pay for expenses incurred by the
27 division to provide such services.

28 (2) State agencies, boards, and commissions shall make the materiel
29 division assessment payments to the fund no later than August 1 of each
30 year, or in four equal payments to be made no later than August 1,
31 October 1, February 1, and April 1 of each year, at the discretion of the

1 materiel administrator.

2 (3) Any money in the fund available for investment shall be invested
3 by the state investment officer pursuant to the Nebraska Capital
4 Expansion Act and the Nebraska State Funds Investment Act.

5 Sec. 4. Sections 2, 3, and 5 of this act become operative three
6 calendar months after the adjournment of this legislative session. The
7 other sections of this act become operative on their effective date.

8 Sec. 5. Original sections 81-153 and 81-1120, Reissue Revised
9 Statutes of Nebraska, are repealed.

10 2. Renumber the remaining section accordingly.