

AMENDMENTS TO LB529

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 73-803, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 73-803 For purposes of the State Procurement Act:

6 (1) Contract includes any contract for services and contract for
7 personal property;

8 (2) Contract for personal property means any contract entered into
9 by the state with another party for a stated consideration, which
10 provides that the state agency is to receive the personal property or use
11 of such personal property furnished by the other party. Contract for
12 personal property includes leases;

13 (3) Contract for services means any contract that directly engages
14 the time or effort of an independent contractor whose purpose is to
15 perform an identifiable task, study, or report rather than to furnish an
16 end item of supply, goods, equipment, or material;

17 (4) Cooperative agreement means a legal instrument reflecting a
18 relationship between the State of Nebraska and any other entity where (a)
19 the principal purpose of the relationship is to transfer a thing of value
20 to the entity to carry out a public purpose of support or stimulation by
21 law instead of acquiring property or services for the direct benefit of
22 the State of Nebraska and (b) substantial involvement is expected between
23 the State of Nebraska and the entity when carrying out the activity
24 contemplated in the agreement;

25 (5) Division means the materiel division of the Department of
26 Administrative Services;

27 (6) Emergency means necessary to meet an urgent or unexpected

1 requirement or when health and public safety or the conservation of
2 public resources is at risk;

3 (7) Grant agreement means a legal instrument reflecting a
4 relationship between the State of Nebraska and any other entity where (a)
5 the principal purpose of the relationship is to transfer a thing of value
6 to the entity to carry out a public purpose of support or stimulation by
7 law instead of acquiring property or services for the direct benefit of
8 the State of Nebraska and (b) substantial involvement is not expected
9 between the State of Nebraska and the entity when carrying out the
10 activity contemplated in the agreement;

11 (8) Occasional means seasonal, irregular, or fluctuating in nature;

12 (9) Personal property includes all materials, supplies, furniture,
13 equipment, printing, stationery, automotive and road equipment, and other
14 chattels, goods, wares, and merchandise;

15 (10) Sole source means of such a unique nature that the contractor
16 selected is clearly and justifiably the only practicable source to
17 provide the service or personal property. Determination that the
18 contractor selected is justifiably the sole source is based on either the
19 uniqueness of the service or personal property or sole availability at
20 the location required;

21 (11) State agency means any agency, board, or commission of this
22 state, except for the University of Nebraska or the Nebraska state
23 colleges. For purposes of procurement of services, state agency does not
24 include the University of Nebraska, the Nebraska state colleges, the
25 Nebraska Investment Council, the courts, the Legislature, or any officer
26 or state agency established by the Constitution of Nebraska. Changes made
27 to this subdivision by this legislative bill shall be construed to apply
28 to any action taken on or after July 19, 2024; and

29 (12) Temporary means a finite period of time with respect to a
30 specific task or result relating to a contract for services.

31 **Sec. 2.** Original section 73-803, Revised Statutes Cumulative

1 Supplement, 2024, is repealed.

2 **Sec. 3.** Since an emergency exists, this act takes effect when

3 passed and approved according to law.