

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 180

Introduced by Clouse, 37.

Read first time January 13, 2025

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to the Department of Natural Resources; to
- 2 amend sections 73-101 and 73-813, Revised Statutes Cumulative
- 3 Supplement, 2024; to provide an exception for public lettings and
- 4 bidding; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 73-101, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 73-101 Whenever the State of Nebraska, or any department or any
4 agency thereof, any county board, county clerk, county highway
5 superintendent, the mayor and city council or commissioner of any
6 municipality, any entity created pursuant to the Interlocal Cooperation
7 Act or the Joint Public Agency Act, or the officers of any school
8 district, township, or other governmental subdivision, shall advertise
9 for bids in pursuance of any statutes of the State of Nebraska, on any
10 road contract work or any public improvements work, or for supplies,
11 construction, repairs, and improvements, and in all other cases where
12 bids for supplies or work, of any character whatsoever, are received for
13 the various departments and agencies of the state, and other subdivisions
14 and agencies enumerated in this section, they shall fix not only the day
15 upon which such bids shall be returned, received, or opened, as provided
16 by other statutes, but shall also fix the hour at which such bids shall
17 close, or be received or opened, and they shall also provide that such
18 bids shall be immediately and simultaneously opened in the presence of
19 the bidders, or representatives of the bidders, when the hour is reached
20 for the bids to close. Such bids may be withheld from disclosure until an
21 intent to award is issued. If bids are being opened on more than one
22 contract, the officials ~~having~~ in charge of the opening of such bids may,
23 if they deem it advisable, award each contract as the bids are opened.
24 Sections 73-101 to 73-106 shall not apply to the State Park System
25 Construction Alternatives Act, the Public Water and Natural Resources
26 Project Contracting Act, or sections 39-2808 to 39-2823.

27 **Sec. 2.** Section 73-813, Revised Statutes Cumulative Supplement,
28 2024, is amended to read:

29 73-813 (1) Subject to review by the Director of Administrative
30 Services, the division shall provide procedures to grant limited
31 exceptions from sections 73-807, 73-815, and 73-816 for:

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

8 (b) Other circumstances or specific contracts when any of the
9 requirements of sections 73-807, 73-815, and 73-816 are not appropriate
10 for or are not compatible with the circumstances or contract. The
11 division shall provide a written rationale which shall be kept on file
12 when granting an exception under this subdivision.

13 (2) The following types of contracts are not subject to sections
14 73-807, 73-815, 73-816, and 73-817:

15 (a) Contracts for services subject to the Nebraska Consultants'
16 Competitive Negotiation Act;

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

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

24 (d) Grant agreements or cooperative agreements;

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

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

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

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

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

11 (j) Nebraska Investment Council contracts;

12 (k) Contracts under section 57-1503;

13 (l) Contracts for the erection of, construction of, renovation of,
14 repair of, or addition to any building; for original equipment for any
15 building; for the construction of any road or bridge; or for the
16 performance of any work related to such contracts;

17 (m) Subject to section 83-146, contracts for the purchase or use of
18 the products of the labor of the inmates of any charitable, reformatory,
19 or penal institution of the state;

20 (n) Contracts for leases by the state or a state agency of real
21 property;

22 (o) Contracts for works of art;

23 (p) Contracts for advertising or public announcements; ~~and~~

24 (q) Direct or miscellaneous purchases pursuant to section 73-814;
25 and -

26 (r) Department of Natural Resources contracts for all water
27 infrastructure projects.

28 **Sec. 3.** Original sections 73-101 and 73-813, Revised Statutes
29 Cumulative Supplement, 2024, are repealed.