

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 323

Introduced by Moser, 22.

Read first time January 16, 2025

Committee: Transportation and Telecommunications

- 1 A BILL FOR AN ACT relating to the Department of Transportation; to amend
- 2 section 39-1355, Reissue Revised Statutes of Nebraska, and section
- 3 39-1348, Revised Statutes Cumulative Supplement, 2024; to change
- 4 provisions relating to solicitation of bids; to change the threshold
- 5 required for legislative consent relating to certain construction
- 6 projects; to harmonize provisions; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 39-1348, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 39-1348 (1) Except as otherwise provided in sections 39-2808 to
4 39-2823, when letting contracts for the construction, reconstruction,
5 improvement, maintenance, or repair of roads, bridges, and their
6 appurtenances, the department shall solicit bids as follows:

7 (a)(i) ~~(a)~~ For contracts with an estimated cost, as determined by
8 the department, of greater than two hundred fifty thousand dollars, the
9 department shall advertise for sealed bids for not less than twenty days
10 by publication of a notice thereof:

11 (A) Once ~~once~~ a week for three consecutive weeks in the official
12 county newspaper designated by the county board in the county where the
13 work is to be done and in such additional newspaper or newspapers as may
14 appear necessary to the department in order to give notice of the
15 receiving of bids; or -

16 (B) On the official webpage designated by the Department of
17 Transportation.

18 (ii) Such advertisement shall state the place where the plans and
19 specifications for the work may be inspected and shall designate the time
20 when the bids shall be filed and opened.

21 (iii) If through no fault of the department publication of such
22 notice fails to appear as prescribed in subdivision (1)(a) of this
23 section 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 (b) For contracts with an estimated cost, as determined by the
27 department, of two hundred fifty thousand dollars or less, the
28 department, in its sole discretion, shall either:

29 (i) Follow the procedures given in subdivision (a) of this
30 subsection; or

31 (ii) 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 (2) The Department of Transportation may adjust the amounts in
6 subdivisions (1)(a) and (b) of this section annually on October 1 by the
7 percentage change in the Consumer Price Index for All Urban Consumers
8 published by the United States Department of Labor, Bureau of Labor
9 Statistics, at the close of the twelve-month period ending on August 31
10 of such year. The amounts shall be rounded to the next highest one-
11 thousand-dollar amount.

12 **Sec. 2.** Section 39-1355, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 39-1355 (1) The department shall have authority to:

15 (a) Purchase purchase, lease, employ, or acquire by other means, all
16 needed road materials, machinery, equipment, supplies, services, and
17 labor necessary for the construction, reconstruction, maintenance, and
18 control of the state highway system and all tools and materials necessary
19 to keep such machinery and equipment in repair; and

20 (b) Lease . ~~The department shall also have authority to lease,~~
21 purchase, construct, or cause to be constructed, buildings for office
22 accommodations, which are necessary in the administration of the duties
23 of the department, and buildings for the storing and housing of
24 materials, machinery, equipment, and supplies.

25 (2) ~~The department shall not ; Provided, that the department may not~~
26 construct or cause to be constructed any building with an estimated cost
27 greater than the adjusted dollar amount established for building capital
28 construction projects in section 81-1114.01. ~~exceeding a cost of one~~
29 ~~hundred thousand dollars without the consent of the Legislature.~~

30 (3) The maintenance, protection, and control of the materials,
31 machinery, equipment, supplies, tools, and buildings shall be under the

1 authority and responsibility of the department.

2 **Sec. 3.** Original section 39-1355, Reissue Revised Statutes of
3 Nebraska, and section 39-1348, Revised Statutes Cumulative Supplement,
4 2024, are repealed.