

LEGISLATIVE BILL 1007

Approved by the Governor March 22, 1974

Introduced by Government, Military and Veterans Affairs Committee, Chambers, 11, Chmn.; Barnett, 26; Stull, 49; Richendifer, 16; DeCamp, 40

AN ACT to amend sections 23-322, 23-324.01, and 23-324.05, Reissue Revised Statutes of Nebraska, 1943, relating to county government and officers; to provide for a purchasing agent in counties having one hundred fifty thousand inhabitants; to prescribe duties of the county clerk in such counties; to change provisions relating to competitive bidding as prescribed; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 23-322, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-322. It shall be the duty of the county clerk, in all counties having a population of ~~two one~~ hundred ~~fifty~~ thousand or more inhabitants, on or before December 1, annually, to prepare separate estimates of the supplies, materials, equipment and machinery required for the use of the county officers during the coming year, which by law are not required to be furnished by the state, and, in order to properly estimate the amounts of supplies, materials, equipment and machinery to be needed by the county government, the county clerk shall keep a perpetual inventory of all personal property of the county.

Sec. 2. That section 23-324.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-324.01. The county board, in counties having a population of more than ~~two one~~ hundred ~~fifty~~ thousand inhabitants shall employ a competent person as purchasing agent, who shall not be a county officer of said county. All purchases made from appropriated funds of the county shall be made through the purchasing agent. The county board shall pay said agent for such services such sum as shall be agreed upon at the time of said employment. The person so employed and designated shall serve at the pleasure of the county board and give bond to the county in such amount as said county board shall prescribe.

Sec. 3. That section 23-324.05, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-324.05. All purchases of and contracts for supplies, materials, equipment and contractual services, and all sales of such personal property which has become obsolete and unusable shall be based, wherever feasible, on competitive bids. If the amount of expenditure or sale is estimated to exceed one five thousand dollars, sealed bids shall, unless otherwise provided in this act, be solicited by public notice inserted at least one time in a legal newspaper of general circulation in the county at least five calendar days before final date of submitting bids. The county purchasing agent shall also solicit sealed bids by sending requests by mail to prospective suppliers and by posting notice on a public bulletin board in his office. Competitive bidding shall not be required in purchasing, unique or noncompetitive articles or in contracting for professional services. Purchases and contracts involving the expenditure of less than five thousand dollars may be made without calling for formal sealed bids, but at least three informal bids shall be secured and recorded if practicable. The bids so invited shall in all cases be based on the standard specifications adopted under the provisions of this act. All open market orders or contracts, made by the county purchasing agent or by any county department or agency, shall be awarded to the lowest and best bidder, taking into consideration the quality of the material ordered, their conformity with the specifications, their suitability to the requirements of the county government and the delivery terms. Any or all bids may be rejected. If all bids received on a pending contract are for the same unit price or total amount, and shall appear to be so as the result of collusion between the bidders, the county purchasing agent shall have authority to reject all bids and to purchase the supplies, materials, or equipment or contractual services in the open market; Provided, the price paid in the open market shall not exceed the bid price. Each bid, with the name of bidder, shall be entered on a record, and each record, with the successful bidder indicated thereon, shall, after the award or contract, be open to public inspection; Provided, all lettings on such bids shall be public and shall be conducted as provided in section 73-101. All contracts shall be approved as to form by the county attorney and a copy of each long-term contract shall be filed with the county clerk of the county. The county board, by majority vote of its members, may waive the competitive bidding requirements of this section if such waiver is necessary to meet an emergency threatening serious loss of life, health, or property in the county.

Sec. 4. That original sections 23-322, 23-324.01, and 23-324.05, Reissue Revised Statutes of Nebraska, 1943, are repealed.