

of Senator Vickers, if he would yield to a question.

SENATOR VICKERS: Yes, certainly.

SENATOR WESELY: Senator Vickers, concerning the amendment, in one part it says that...in the middle of the first section of the paragraph it says that any contract that would not be out for bid would still be advertised so that responsible bidders would have a chance to negotiate the contract, instead of bidding for the contract. But later on it says that after two-thirds vote of the board and an engineer's certification that they can't actually go to a bidding situation, would provide a negotiation of contract, but that would still be after advertising for the contract negotiations. Isn't that correct?

SENATOR VICKERS: Yes, Senator Wesely, the concern that you raise on the language, I think you need to read the entire section in the context, but you will notice that it says that a said engineer or engineers shall certify, and later on that if the engineer's certification is approved by a two-thirds vote of the board, then the sealed bid requirement...that the sealed bid requirement would be, improper and not in the public interest, then the district shall negotiate a contract. But it also says up above in the new language that the districts shall advertise for responsible bidders as defined in section 76-39 to negotiate a contract. So my intention here, quite honestly, and I think that is what this section says, is that the engineer has to recognize that it would be impractical to have a sealed bid on a specified amount, then the engineer has to bring that matter to the board of directors, the board of directors have to approve by a two-thirds vote that they are not, in fact, going to advertise for a specified amount, the sealed bid contract, then they will have to advertise before negotiations can be taken place with contractors, or contractor, so the intent quite clearly is that there has to be three different things take place. The engineer has to first of all certify that it is impractical, then the board of directors have to approve by a two-thirds vote that the engineer's assumption is correct and then they do have to advertise for negotiations on those bids.

SENATOR WESELY: Thank you, Senator Vickers. With that explanation, I can support this amendment because it still has the major provision, which is to say that before any negotiations start on contracts with power districts there will be an advertisement placed by the