

by the Department of Roads, and it says the names of all bidders and persons receiving proposal forms on a contract shall not be available to the public until after the bids on a contract are opened. And that language is being stricken so that people can have knowledge right up to the time of the bidding of who it is that's bidding and who is not bidding. And I think that there are two possible detrimental effects of that. One is that it has the possibility of facilitating bid rigging for those who might be inclined to do that sort of thing. And, secondly, it would give an indication right before the bidding as to situations where there may only be one bidder or two bidders, which are not unlikely situations in the State of Nebraska. Now the argument on the other side is that people will fish around, and subcontractors will fish around, and the word is spinning around everywhere, and everybody knows who is doing what to whom on these bids anyway, and that may well be the case. However, I think changing this law facilitates that kind of communication that can lead to the kind of bid rigging that we have actually, in fact, had in the mid-1980s in this state, and it is a situation that is particularly prone to corruption because, typically, there are only two or three or four bidders, and it is very, very easy, very tempt...there is a lot of temptation there when you only have to get together with a couple, three people to make a lot more money. And that's the reason, the danger of bid rigging, that's the reason that that sentence was put into the law in the first instance. We went back and dug up the committee hearing of Public Works in 1955. This provision has been in our law for many years, and this is the first time that it has ever been perceived as an impediment to doing business or a problem. But the committee hearing, back in 1955, said with respect to this verbiage, the reason for restricting the identity of bidders until after bids are opened is to prevent collusive bidding by contractors, who would make illegal bidding agreements between themselves to frustrate the public policy of the state to let contracts to the lowest competent bidder. So, you know, who can prove whether this provision has served us well or has served us poorly. It certainly didn't prevent the bid rigging of the mid-1980s. Whether it facilitated the prosecution of those bid riggers because of the kinds of communications that had to go on in order to...in order to accomplish it is another question, a question I can't answer, a question I don't suppose anybody can answer. But in this kind of situation, at least in my judgment, it is better to err on the side of a protective provision. This is one of those things to me that is another one of history's little cycles. You know,