

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 765

Introduced by Krist, 10; Bloomfield, 17; Campbell, 25; Cook, 13;
Dubas, 34; Gloor, 35; Howard, 9; Lambert, 2; McGill,
26; Mello, 5; Nordquist, 7; Wallman, 30.

Read first time January 04, 2012

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to bids and bidding; to amend section 73-504,
2 Reissue Revised Statutes of Nebraska, and section 73-507,
3 Reissue Revised Statutes of Nebraska, as amended by
4 section 5, Legislative Bill 4, One Hundred Second
5 Legislature, First Special Session, 2011; to change
6 provisions relating to an exemption as prescribed; to
7 provide duties for the Director of Health and Human
8 Services; and to repeal the original sections.

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

1 Section 1. Section 73-504, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 73-504 Except as provided in section 73-507:

4 (1) All state agencies shall comply with the review and
5 competitive bidding processes provided in this section for contracts
6 for services. Unless otherwise exempt, no state agency shall expend
7 funds for contracts for services without complying with this section;

8 (2) All proposed state agency contracts for services in
9 excess of fifty thousand dollars shall be bid in the manner
10 prescribed by the materiel division procurement manual or a process
11 approved by the Director of Administrative Services. Bidding may be
12 performed at the state agency level or by the materiel division. Any
13 state agency may request that the materiel division conduct the
14 competitive bidding process;

15 (3) If the bidding process is at the state agency level,
16 then state agency directors shall ensure that bid documents for each
17 contract for services in excess of fifty thousand dollars are
18 prereviewed by the materiel division and that any changes to the
19 proposed contract that differ from the bid documents in the proposed
20 contract for services are reviewed by the materiel division before
21 signature by the parties;

22 (4) State agency directors, in cooperation with the
23 materiel division, shall be responsible for appropriate public notice
24 of an impending contractual services project in excess of fifty
25 thousand dollars in accordance with the materiel division's

1 procurement manual and sections 73-501 to 73-509; ~~and~~

2 (5) State agency directors, in cooperation with the
3 materiel division, shall be responsible for ensuring that a request
4 for contractual services in excess of fifty thousand dollars is filed
5 with the materiel division for dissemination or web site access to
6 vendors interested in competing for contracts for services; and -

7 (6) The Director of Health and Human Services shall
8 conduct a cost-benefit analysis of any contract with direct providers
9 to individuals of medical, behavioral, or developmental health
10 services, child care, or child welfare services, which contract has a
11 value of more than twenty-five million dollars.

12 Sec. 2. Section 73-507, Reissue Revised Statutes of
13 Nebraska, as amended by section 5, Legislative Bill 4, One Hundred
14 Second Legislature, First Special Session, 2011, is amended to read:

15 73-507 (1) Subject to review by the Director of
16 Administrative Services, the materiel division shall provide
17 procedures to grant limited exceptions from the provisions of
18 sections 73-504, 73-508, and 73-509 for:

19 (a) Sole source and emergency contracts; and

20 (b) Other circumstances or specific contracts when any of
21 the requirements of sections 73-504, 73-508, and 73-509 are not
22 appropriate for or are not compatible with the circumstances or
23 contract. The materiel division shall provide a written rationale
24 which shall be kept on file when granting an exception under this
25 subdivision.

1 (2) The following types of contracts for services are not
2 subject to sections 73-504, 73-508, and 73-509:

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

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

9 (c) Contracts for professional legal services and
10 services of expert witnesses, hearing officers, or administrative law
11 judges retained by state agencies for administrative or court
12 proceedings;

13 (d) Contracts involving state or federal financial
14 assistance passed through by a state agency to a political
15 subdivision;

16 (e) Contracts with direct providers of medical,
17 behavioral, or developmental health services, child care, or child
18 welfare services to an individual if the dollar value of such
19 contracts is twenty-five million dollars or less;

20 (f) Agreements for services to be performed for a state
21 agency by another state or local government agency or contracts made
22 by a state agency with a local government agency for the direct
23 provision of services to the public;

24 (g) Agreements for services between a state agency and
25 the University of Nebraska, the Nebraska state colleges, the courts,

1 the Legislature, or other officers or agencies established by the
2 Constitution of Nebraska;

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

8 (i) Department of Roads contracts for all road and bridge
9 projects;

10 (j) Nebraska Investment Council contracts; and

11 (k) Contracts under section 3 of this act.

12 Sec. 3. Original section 73-504, Reissue Revised Statutes
13 of Nebraska, and section 73-507, Reissue Revised Statutes of
14 Nebraska, as amended by section 5, Legislative Bill 4, One Hundred
15 Second Legislature, First Special Session, 2011, are repealed.