

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 947

FINAL READING

Introduced by Friend, 10.

Read first time January 14, 2008

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities and villages; to amend sections
2 16-321 and 17-568.01, Reissue Revised Statutes of
3 Nebraska; to increase minimum bidding amount requirements
4 for cities of the first and second class and villages as
5 prescribed; and to repeal the original sections.

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

1 Section 1. Section 16-321, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 16-321 (1) The city engineer shall, when requested by the
4 mayor or city council, make estimates of the cost of labor and
5 material which may be done or furnished by contract with the city
6 and make all surveys, estimates, and calculations necessary to be
7 made for the establishment of grades, the building of culverts,
8 sewers, electric light system, waterworks, power plant, public
9 heating system, bridges, curbing, and gutters, the improvement of
10 streets, and the erection and repair of buildings and shall perform
11 such other duties as the council may require. When the city has
12 appointed a board of public works, and the mayor and city council
13 have by ordinance so authorized, such board may utilize its own
14 engineering staff and may hire consulting engineers for the design
15 and installation of extensions and improvements of the works under
16 the jurisdiction of the board of public works. Whenever the mayor
17 and city council have authorized the same, the board of public
18 works may purchase material and employ labor for the enlargement or
19 improvement of the systems and works under the jurisdiction of the
20 board.

21 (2) Except as provided in section 18-412.01, no contract
22 for enlargement or general improvements, such as water extensions,
23 sewers, public heating system, bridges, work on streets, or any
24 other work or improvement when the cost of such improvement is
25 assessed to the property, costing over ~~twenty~~ thirty thousand

1 dollars shall be made unless it is first approved by the city
2 council.

3 (3) Except as provided in section 18-412.01, before
4 the city council makes any contract in excess of ~~twenty~~ thirty
5 thousand dollars for enlargement or general improvements, such as
6 water extensions, sewers, public heating system, bridges, work on
7 streets, or any other work or improvement when the cost of such
8 enlargement or improvement is assessed to the property, an estimate
9 of the cost shall be made by the city engineer and submitted to
10 the council. In advertising for bids as provided in subsections (4)
11 and (6) of this section, the council may publish the amount of the
12 estimate.

13 (4) Advertisements for bids shall be required for any
14 contract costing over ~~twenty~~ thirty thousand dollars entered
15 into (a) for enlargement or general improvements, such as water
16 extensions, sewers, public heating system, bridges, work on
17 streets, or any other work or improvement when the cost of such
18 enlargement or improvement is assessed to the property, or (b)
19 for the purchase of equipment used in the construction of such
20 enlargement or general improvements.

21 (5) A municipal electric utility may enter into a
22 contract for the enlargement or improvement of the electric system
23 or for the purchase of equipment used for such enlargement or
24 improvement without advertising for bids if the price is: (a)
25 ~~Twenty~~ Thirty thousand dollars or less; (b) ~~forty~~ sixty thousand

1 dollars or less and the municipal electric utility has gross annual
2 revenue from retail sales in excess of one million dollars; (c)
3 ~~sixty~~ ninety thousand dollars or less and the municipal electric
4 utility has gross annual revenue from retail sales in excess of
5 five million dollars; or (d) ~~eighty~~ one hundred twenty thousand
6 dollars or less and the municipal electric utility has gross annual
7 revenue from retail sales in excess of ten million dollars.

8 (6) The advertisement provided for in subsections (3) and
9 (4) of this section shall be published at least seven days prior
10 to the bid closing in a legal newspaper published in or of general
11 circulation in the city. In case of a public emergency resulting
12 from infectious or contagious diseases, destructive windstorms,
13 floods, snow, war, or an exigency or pressing necessity or
14 unforeseen need calling for immediate action or remedy to prevent
15 a serious loss of, or serious injury or damage to, life, health,
16 or property, estimates of costs and advertising for bids may be
17 waived in the emergency ordinance authorized by section 16-405 when
18 adopted by a three-fourths vote of the council and entered of
19 record.

20 (7) If, after advertising for bids as provided in
21 subsections (3), (4), and (6) of this section, the city council
22 receives fewer than two bids on a contract or if the bids received
23 by the city council contain a price which exceeds the estimated
24 cost, the mayor and the city council may negotiate a contract
25 in an attempt to complete the proposed enlargement or general

1 improvements at a cost commensurate with the estimate given.

2 (8) If the materials are of such a nature that, in the
3 opinion of the manufacturer and with the concurrence of the city
4 council or board of public works, no cost can be estimated until
5 the materials have been manufactured or assembled to the specific
6 qualifications of the purchasing municipality, the city council or
7 board of public works may authorize the manufacture and assemblage
8 of such materials and may thereafter approve the estimated cost
9 expenditure when it is provided by the manufacturer.

10 Sec. 2. Section 17-568.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 17-568.01 (1) The city or village engineer shall, when
13 requested by the mayor, city council, or village board, make
14 estimates of the cost of labor and material which may be done
15 or furnished by contract with the city or village and make all
16 surveys, estimates, and calculations necessary to be made for
17 the establishment of grades, the building of culverts, sewers,
18 electric light system, waterworks, power plant, public heating
19 system, bridges, curbing, and gutters, the improvement of streets,
20 and the erection and repair of buildings and shall perform such
21 other duties as the council or board may require. When a city has
22 appointed a board of public works, and the mayor and city council
23 have by ordinance so authorized, such board may utilize its own
24 engineering staff and may hire consulting engineers for the design
25 and installation of extensions and improvements of the works under

1 the jurisdiction of the board of public works. Whenever the mayor
2 and city council have authorized the same, the board of public
3 works may purchase material and employ labor for the enlargement or
4 improvement of the systems and works under the jurisdiction of the
5 board.

6 (2) Except as provided in section 18-412.01, no contract
7 for enlargement or general improvements, such as water extensions,
8 sewers, public heating system, bridges, work on streets, or any
9 other work or improvement when the cost of such enlargement or
10 improvement is assessed to the property, costing over ~~twenty~~ thirty
11 thousand dollars shall be made unless it is first approved by the
12 city council or village board.

13 (3) Except as provided in section 18-412.01, before
14 the city council or village board makes any contract in excess
15 of ~~twenty~~ thirty thousand dollars for enlargement or general
16 improvements, such as water extensions, sewers, public heating
17 system, bridges, work on streets, or any other work or improvement
18 when the cost of such enlargement or improvement is assessed to the
19 property, an estimate of the cost shall be made by the city or
20 village engineer and submitted to the council or village board. In
21 advertising for bids as provided in subsections (4) and (6) of this
22 section, the city council or village board may publish the amount
23 of the estimate.

24 (4) Advertisements for bids shall be required for any
25 contract costing over ~~twenty~~ thirty thousand dollars entered

1 into (a) for enlargement or general improvements, such as water
2 extensions, sewers, public heating system, bridges, work on
3 streets, or any other work or improvement when the cost of such
4 enlargement or improvement is assessed to the property, or (b)
5 for the purchase of equipment used in the construction of such
6 enlargement or general improvements.

7 (5) A municipal electric utility may enter into a
8 contract for the enlargement or improvement of the electric system
9 or for the purchase of equipment used for such enlargement or
10 improvement without advertising for bids if the price is: (a)
11 ~~Twenty~~ Thirty thousand dollars or less; (b) ~~forty~~ sixty thousand
12 dollars or less and the municipal electric utility has gross annual
13 revenue from retail sales in excess of one million dollars; (c)
14 ~~sixty~~ ninety thousand dollars or less and the municipal electric
15 utility has gross annual revenue from retail sales in excess of
16 five million dollars; or (d) ~~eighty~~ one hundred twenty thousand
17 dollars or less and the municipal electric utility has gross annual
18 revenue from retail sales in excess of ten million dollars.

19 (6) The advertisement provided for in subsections (3)
20 and (4) of this section shall be published at least seven days
21 prior to the bid closing in a legal newspaper published in or
22 of general circulation in the city or village and, if there is
23 no legal newspaper published in or of general circulation in such
24 city or village, then in some newspaper of general circulation
25 published in the county wherein such city or village is located,

1 and if there is no legal newspaper of general circulation published
2 in the county wherein such city or village is located then in
3 a newspaper, designated by the county board, having a general
4 circulation within the county where bids are required, and if no
5 newspaper is published in the city, village, or county, or if no
6 newspaper has general circulation in the county, then by posting
7 a written or printed copy thereof in each of three public places
8 in the city or village at least seven days prior to the bid
9 closing. In case of a public emergency resulting from infectious or
10 contagious diseases, destructive windstorms, floods, snow, war, or
11 an exigency or pressing necessity or unforeseen need calling for
12 immediate action or remedy to prevent a serious loss of, or serious
13 injury or damage to, life, health, or property, estimates of costs
14 and advertising for bids may be waived in the emergency ordinance
15 authorized by section 17-613 when adopted by a three-fourths vote
16 of the council or board of trustees and entered of record.

17 (7) If, after advertising for bids as provided in
18 subsections (3), (4), and (6) of this section, the city council
19 or village board receives fewer than two bids on a contract or
20 if the bids received by the city council or village board contain
21 a price which exceeds the estimated cost, the mayor and the city
22 council or village board may negotiate a contract in an attempt to
23 complete the proposed enlargement or general improvements at a cost
24 commensurate with the estimate given.

25 (8) If the materials are of such a nature that, in the

1 opinion of the manufacturer and with the concurrence of the city
2 council, village board, or board of public works, no cost can be
3 estimated until the materials have been manufactured or assembled
4 to the specific qualifications of the purchasing municipality, the
5 city council, village board, or board of public works may authorize
6 the manufacture and assemblage of such materials and may thereafter
7 approve the estimated cost expenditure when it is provided by the
8 manufacturer.

9 Sec. 3. Original sections 16-321 and 17-568.01, Reissue
10 Revised Statutes of Nebraska, are repealed.