

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 948

Introduced by Avery, 28.

Read first time January 14, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Department of Administrative Services;
2 to amend sections 81-159 and 81-161, Reissue Revised
3 Statutes of Nebraska; to change provisions relating
4 to agency requisitions and competitive bidding; and to
5 repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-159, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-159 Each using agency shall, at the time, in the form,
4 and for the periods prescribed by the materiel division, present to
5 it detailed requisition for all personal property to be purchased
6 or leased. The materiel division shall then arrange such schedules
7 as are included in or covered by the requisition for purchase and
8 contract and for advertising them in the manner best calculated to
9 attract competition and advantageous price as set forth in sections
10 81-145 to 81-162 and 81-1118 to 81-1118.06. It shall prescribe
11 the terms and conditions for delivery, inspections, and all other
12 details thereof. For heavy equipment, including, but not limited
13 to, motor graders, wheel loaders, paving equipment, and backhoe
14 loaders, the bidder shall be required to provide data relating to
15 life-cycle costs as set forth in section 81-161.

16 Sec. 2. Section 81-161, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 81-161 All purchases, leases, or contracts which by
19 law are required to be based on competitive bids shall be made
20 to the lowest responsible bidder, taking into consideration the
21 best interests of the state, the quality or performance of the
22 personal property proposed to be supplied, its conformity with
23 specifications, the purposes for which required, and the times of
24 delivery. In determining the lowest responsible bidder, in addition
25 to price, the following elements shall be given consideration:

- 1 (1) The ability, capacity, and skill of the bidder to
2 perform the contract required;
- 3 (2) The character, integrity, reputation, judgment,
4 experience, and efficiency of the bidder;
- 5 (3) Whether the bidder can perform the contract within
6 the time specified;
- 7 (4) The quality of performance of previous contracts;
- 8 (5) The previous and existing compliance by the bidder
9 with laws relating to the contract;
- 10 (6) The life-cycle costs of the personal property in
11 relation to the purchase price and specific use of the item;
- 12 (7) The performance of the personal property, taking into
13 consideration any commonly accepted tests and standards of product
14 usability and user requirements;
- 15 (8) Energy efficiency ratio as stated by the bidder for
16 alternative choices of appliances or equipment;
- 17 (9) The ~~information furnished by each bidder concerning~~
18 life-cycle costs between alternatives for all classes of equipment,
19 evidence of expected life and resale value, repair and maintenance
20 costs, and energy consumption, including fuel, on a per-year basis;
- 21 (10) The results of the United States Environmental
22 Protection Agency tests on fleet performance of motor vehicles.
23 Each bidder shall furnish information relating to such results; and
- 24 (11) Such other information as may be secured having a
25 bearing on the decision to award the contract.

1 All political subdivisions may follow the procurement
2 principles set forth in this section if they are deemed applicable
3 by the official authorized to make purchases for such political
4 subdivision.

5 Sec. 3. Original sections 81-159 and 81-161, Reissue
6 Revised Statutes of Nebraska, are repealed.