

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 978**

Introduced by Mello, 5; Haar, 21.

Read first time January 19, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to the Department of Administrative Services;  
2 to amend section 81-161, Reissue Revised Statutes of  
3 Nebraska; to provide requirements relating to energy star  
4 certified appliances in the competitive bidding process;  
5 to provide powers for the materiel administrator; and to  
6 repeal the original section.  
7 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 81-161, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-161 (1) All purchases, leases, or contracts which by  
4 law are required to be based on competitive bids shall be made  
5 to the lowest responsible bidder, taking into consideration the  
6 best interests of the state, the quality or performance of the  
7 personal property proposed to be supplied, its conformity with  
8 specifications, the purposes for which required, and the times of  
9 delivery. In determining the lowest responsible bidder, in addition  
10 to price, the following elements shall be given consideration:

11           ~~(1)~~ (a) The ability, capacity, and skill of the bidder to  
12 perform the contract required;

13           ~~(2)~~ (b) The character, integrity, reputation, judgment,  
14 experience, and efficiency of the bidder;

15           ~~(3)~~ (c) Whether the bidder can perform the contract  
16 within the time specified;

17           ~~(4)~~ (d) The quality of performance of previous contracts;

18           ~~(5)~~ (e) The previous and existing compliance by the  
19 bidder with laws relating to the contract;

20           ~~(6)~~ (f) The life-cycle costs of the personal property in  
21 relation to the purchase price and specific use of the item;

22           ~~(7)~~ (g) The performance of the personal property, taking  
23 into consideration any commonly accepted tests and standards of  
24 product usability and user requirements;

25           ~~(8)~~ (h) Energy efficiency ratio as stated by the bidder

1 for alternative choices of appliances or equipment;

2 ~~(9)~~ (i) The information furnished by each bidder  
3 concerning life-cycle costs between alternatives for all classes of  
4 equipment, evidence of expected life, repair and maintenance costs,  
5 and energy consumption on a per-year basis;

6 ~~(10)~~ (j) The results of the United States Environmental  
7 Protection Agency tests on fleet performance of motor vehicles.  
8 Each bidder shall furnish information relating to such results; and

9 ~~(11)~~ (k) Such other information as may be secured having  
10 a bearing on the decision to award the contract.

11 (2) Any appliance purchased or leased pursuant to this  
12 section shall be energy star certified, except that the materiel  
13 administrator may exempt the purchase or lease of an appliance from  
14 this subsection if he or she determines that the cost of compliance  
15 would exceed the projected energy cost savings.

16 (3) All political subdivisions may follow the procurement  
17 principles set forth in this section if they are deemed applicable  
18 by the official authorized to make purchases for such political  
19 subdivision.

20 (4) For purposes of this section, energy star certified  
21 means approval of energy usage by the United States Environmental  
22 Protection Agency and the United States Department of Energy. Such  
23 approval may be signified by the display of the energy star label.

24 Sec. 2. Original section 81-161, Reissue Revised Statutes  
25 of Nebraska, is repealed.