

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 155

Introduced by Utter, 33.

Read first time January 07, 2011

Committee: Natural Resources

A BILL

1 FOR AN ACT relating to the Interlocal Cooperation Act; to amend
2 section 13-824.01, Revised Statutes Cumulative
3 Supplement, 2010; to change sealed bid requirements for
4 certain contracts entered into by a joint entity; and to
5 repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 13-824.01, Revised Statutes Cumulative
2 Supplement, 2010, is amended to read:

3 13-824.01 (1) A joint entity shall cause estimates of the
4 costs to be made by some competent engineer or engineers before the
5 joint entity enters into any contract for the construction,
6 management, ~~operation,~~ ownership, maintenance, or purchase of an
7 electric generating facility and related facilities.

8 (2) If the estimated cost exceeds the sum of one hundred
9 thousand dollars, no such contract shall be entered into without
10 advertising for sealed bids.

11 (3)(a) The provisions of subsection (2) of this section
12 and sections 13-824.02 and 13-824.03 relating to sealed bids shall
13 not apply to contracts entered into by a joint entity in the exercise
14 of its rights and powers relating to radioactive material or the
15 energy therefrom, any technologically complex or unique equipment,
16 equipment or supplemental labor procurement from an electric utility
17 or from or through an electric utility alliance, or any maintenance
18 or repair if:

19 (i) The engineer or engineers certify that, by reason of
20 the nature of the subject matter of the contract, compliance with
21 subsection (2) of this section would be impractical or not in the
22 public interest;

23 (ii) The engineer's certification is approved by a two-
24 thirds vote of the governing body of the joint entity; and

25 (iii) The joint entity advertises notice of its intention

1 to enter into such contract, the general nature of the proposed work,
2 and the name of the person to be contacted for additional information
3 by anyone interested in contracting for such work.

4 (b) Any contract for which the governing body has
5 approved an engineer's certificate described in subdivision (a) of
6 this subsection shall be advertised in three issues, not less than
7 seven days between issues, in one or more newspapers of general
8 circulation in the municipality or county where the principal office
9 or place of business of the joint entity is located, or if no
10 newspaper is so published then in a newspaper qualified to carry
11 legal notices having general circulation therein, and in such
12 additional newspapers or trade or technical periodicals as may be
13 selected by the governing body in order to give proper notice of its
14 intention to enter into such contract, and any such contract shall
15 not be entered into prior to twenty days after the last
16 advertisement.

17 (4) The provisions of subsection (2) of this section and
18 sections 13-824.02 and 13-824.03 shall not apply to contracts in
19 excess of one hundred thousand dollars entered into for the purchase
20 of any materials, machinery, or apparatus to be used in facilities
21 described in subsection (1) of this section if, after advertising for
22 sealed bids:

23 (a) No responsive bids are received; or

24 (b) The governing body of the joint entity determines
25 that all bids received are in excess of the fair market value of the

1 subject matter of such bids.

2 (5) Notwithstanding any other provision of subsection (2)
3 of this section or sections 13-824.02 and 13-824.03, a joint entity
4 may, without advertising or sealed bidding, purchase replacement
5 parts or services relating to such replacement parts for any
6 generating unit, transformer, or other transmission and distribution
7 equipment from the original manufacturer of such equipment upon
8 certification by an engineer or engineers that such manufacturer is
9 the only available source of supply for such replacement parts or
10 services and that such purchase is in compliance with standards
11 established by the governing body of the joint entity. A written
12 statement containing such certification and a description of the
13 resulting purchase of replacement parts or services from the original
14 manufacturer shall be submitted to the joint entity by the engineer
15 or engineers certifying the purchase for the governing body's
16 approval. After such certification, but not necessarily before the
17 governing body's review, notice of any such purchase shall be
18 published once a week for at least three consecutive weeks in one or
19 more newspapers of general circulation in the municipality or county
20 where the principal office or place of business of the joint entity
21 is located and published in such additional newspapers or trade or
22 technical periodicals as may be selected by the governing body in
23 order to give proper notice of such purchase.

24 (6) Notwithstanding any other provision of subsection (2)
25 of this section or sections 13-824.02 and 13-824.03, a joint entity

1 may, without advertising or sealed bidding, purchase used equipment
2 and materials on a negotiated basis upon certification by an engineer
3 that such equipment is or such materials are in compliance with
4 standards established by the governing body. A written statement
5 containing such certification shall be submitted to the joint entity
6 by the engineer for the governing body's approval.

7 Sec. 2. Original section 13-824.01, Revised Statutes
8 Cumulative Supplement, 2010, is repealed.