

AMENDMENTS TO LB616

Introduced by Hilgers, 21.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 39-1349, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 39-1349 (1) Except as provided in subsections (5) ~~(3)~~ and (6) ~~(4)~~ of
6 this section, all contracts for the construction, reconstruction,
7 improvement, maintenance, or repair of state highway system roads and
8 bridges and their appurtenances shall be let by the department to the
9 lowest responsible bidder. Bidders on such contracts must be prequalified
10 to bid by the department except as provided in subsection (2) of section
11 39-1351. The department may reject any or all bids and cause the work to
12 be done as may be directed by the department.

13 (2) Except as provided in subsection (3) of this section, if ~~If~~ the
14 contractor has furnished the department all required records and reports,
15 the department shall pay to the contractor interest at a rate three
16 percentage points above the average annual Federal Reserve composite
17 prime lending rate for the previous calendar year rounded to the nearest
18 one-tenth of one percent on the amount retained and on the final payment
19 due the contractor beginning sixty days after the work under the contract
20 has been completed as evidenced by the completion date established in the
21 department's letter of tentative acceptance or, when tentative acceptance
22 has not been issued, beginning sixty days after completion of the work
23 and running until the date when payment is tendered to the contractor.

24 (3) Subsection (2) of this section shall not apply to contracts
25 which provide for payment pursuant to a set schedule over a period of
26 time that extends beyond the completion of construction.

27 (4) ~~(2)~~ When the department is required by acts of Congress and

1 rules and regulations made by an agent of the United States in pursuance
2 of such acts to predetermine minimum wages to be paid laborers and
3 mechanics employed on highway construction, the Director-State Engineer
4 shall cause minimum rates of wages for such laborers and mechanics to be
5 predetermined and set forth in contracts for such construction. The
6 minimum rates shall be the scale of wages which the Director-State
7 Engineer finds are paid and maintained by at least fifty percent of the
8 contractors in performing highway work contracted with the department
9 unless the Director-State Engineer further finds that such scale of wages
10 so determined would unnecessarily increase the cost of such highway work
11 to the state, in which event he or she shall reduce such determination to
12 such scale of wages as he or she finds is required to avoid such
13 unnecessary increase in the cost of such highway work.

14 (5) ~~(3)~~ The department, in its sole discretion, may permit a city or
15 county to let state or federally funded contracts for the construction,
16 reconstruction, improvement, maintenance, or repair of state highways,
17 bridges, and their appurtenances located within the jurisdictional
18 boundaries of such city or county, to the lowest responsible bidder when
19 the work to be let is primarily local in nature and the department
20 determines that it is in the public interest that the contract be let by
21 the city or the county. Bidders on such contracts must be prequalified to
22 bid by the department except as provided in subsection (2) of section
23 39-1351.

24 (6) ~~(4)~~ The department, in its sole discretion, may permit a federal
25 agency to let contracts for the construction, reconstruction,
26 improvement, maintenance, or repair of state highways, bridges, and their
27 appurtenances and may permit such federal agency to perform any and all
28 other aspects of the project to which such contract relates, including,
29 but not limited to, preliminary engineering, environmental clearance,
30 final design, and construction engineering, when the department
31 determines that it is in the public interest to do so. Bidders on such

1 contracts must be prequalified to bid by the department except as
2 provided in subsection (2) of section 39-1351.

3 Sec. 2. Section 81-1701, Revised Statutes Cumulative Supplement,
4 2018, is amended to read:

5 81-1701 The purpose of the Nebraska Consultants' Competitive
6 Negotiation Act is to provide managerial control over competitive
7 negotiations by the state for acquisition of professional architectural,
8 engineering, landscape architecture, or land surveying services. The act
9 does not apply to (1) contracts under section 57-1503, (2) contracts
10 under subsection (6) ~~(4)~~ of section 39-1349, (3) contracts under sections
11 39-2808 to 39-2823 except as provided in section 39-2810, or (4)
12 contracts under the State Park System Construction Alternatives Act
13 except as provided in section 37-1719.

14 Sec. 3. Original section 39-1349, Reissue Revised Statutes of
15 Nebraska, and section 81-1701, Revised Statutes Cumulative Supplement,
16 2018, are repealed.