

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 117**

Introduced by Hilgers, 21.

Read first time January 10, 2019

Committee: Transportation and Telecommunications

1 A BILL FOR AN ACT relating to highways and bridges; to amend sections  
2 39-1351, 39-1352, and 39-1354, Reissue Revised Statutes of Nebraska,  
3 and section 39-1353, Revised Statutes Cumulative Supplement, 2018;  
4 to change provisions relating to construction contract bidding,  
5 qualification, evaluation, and proposals; to change certification of  
6 financial showing as prescribed; to change provisions relating to  
7 obtaining contract plans prepared by the Department of  
8 Transportation; and to repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 39-1351, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 39-1351 (1) Except as provided in subsection (2) of this section,  
4 any person desiring to submit to the department a bid for the performance  
5 of any contract for the construction, reconstruction, improvement,  
6 maintenance, or repair of roads, bridges, and their appurtenances, which  
7 the department proposes to let, shall apply to the department for  
8 prequalification. Such application shall be made not later than five ten  
9 days before the letting of the contract unless fewer than five days is  
10 specified by the department. The department shall determine the extent of  
11 any applicant's qualifications by a full and appropriate evaluation of  
12 the applicant's experience, bonding capacity as determined by a bonding  
13 agency licensed to do business in the State of Nebraska or other  
14 sufficient financial showing deemed satisfactory by the department  
15 equipment, financial resources, and performance record. In determining  
16 the qualification of an applicant persons to bid on any particular  
17 contract, the department shall consider the equipment and resources  
18 available for the particular contract contemplated.

19 (2) The department may, in its sole discretion, grant an exemption  
20 from all prequalification requirements for (a) any contract for the  
21 construction, reconstruction, improvement, maintenance, or repair of  
22 roads, bridges, and their appurtenances if the estimate of the department  
23 for such work is one hundred thousand dollars or less or (b) any contract  
24 for the construction, reconstruction, improvement, maintenance, or repair  
25 of roads, bridges, and their appurtenances if such work is of an  
26 emergency nature.

27 Sec. 2. Section 39-1352, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 39-1352 (1) Except as provided in subsection (2) of this section,  
30 any person proposing to bid on a contract for the construction,  
31 reconstruction, improvement, maintenance, or repair of roads, bridges,

1 and their appurtenances to be let by the department shall submit to the  
2 department, at such times as it may require, a statement showing such  
3 person's qualifications. Such statement shall be under oath and on a  
4 standard form to be prepared and supplied by the department. The  
5 ~~financial showing required in the statement shall be certified by a~~  
6 ~~certified public accountant or by a public accountant holding a currently~~  
7 ~~valid permit from the Nebraska State Board of Public Accountancy.~~ The  
8 statement shall be confidential and only for the use of the department.

9 (2) Subsection (1) of this section shall not apply to any contract  
10 granted an exemption from prequalification requirements pursuant to  
11 subsection (2) of section 39-1351.

12 Sec. 3. Section 39-1353, Revised Statutes Cumulative Supplement,  
13 2018, is amended to read:

14 39-1353 (1) Any person desiring to bid ~~Proposal forms for submitting~~  
15 ~~bids~~ on any contract for the construction, reconstruction, improvement,  
16 maintenance, or repair of roads, bridges, and their appurtenances to be  
17 let by the department shall request an authorization to bid from ~~be~~  
18 ~~issued by~~ the department at the offices of the department in Lincoln,  
19 Nebraska, or at such other location as designated by the department not  
20 later than 5 p.m. of the day before the letting of the contract.

21 (2) Such authorization ~~proposal forms~~ shall be issued only to those  
22 persons previously qualified by the department and bids shall be accepted  
23 only from such qualified persons. This subsection shall not apply to any  
24 contract granted an exemption from prequalification requirements pursuant  
25 to subsection (2) of section 39-1351.

26 Sec. 4. Section 39-1354, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 39-1354 The department, in its discretion, may provide paper or  
29 electronic reproductions of the plans prepared by the department for any  
30 contract to be let for the construction, reconstruction, improvement,  
31 maintenance, or repair of roads, bridges, and their appurtenances, to any

1 person desiring such paper or electronic reproductions. Such person shall  
2 pay to the department a reasonable sum, to be fixed by the department in  
3 an amount estimated to cover the actual cost of preparing such paper or  
4 electronic reproductions ~~a reproduction~~.

5 Sec. 5. Original sections 39-1351, 39-1352, and 39-1354, Reissue  
6 Revised Statutes of Nebraska, and section 39-1353, Revised Statutes  
7 Cumulative Supplement, 2018, are repealed.