

AMENDMENTS TO LB323

Introduced by Transportation and Telecommunications.

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

3           **Section 1.** Section 39-1348, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5           39-1348 (1) Except as otherwise provided in sections 39-2808 to  
6 39-2823, when letting contracts for the construction, reconstruction,  
7 improvement, maintenance, or repair of roads, bridges, and their  
8 appurtenances, the department shall solicit bids as follows:

9           (a)(i) (a) For contracts with an estimated cost, as determined by  
10 the department, of greater than two hundred fifty thousand dollars, the  
11 department shall provide notice of the department's solicitation of  
12 advertise for sealed bids using the following methods: for not less than  
13 twenty days by publication of a notice thereof

14           (A) Publish notice once a week for three consecutive weeks in the  
15 official county newspaper designated by the county board in the county  
16 where the work is to be done and in such additional newspaper or  
17 newspapers as may appear necessary to the department in order to give  
18 notice of the receiving of bids; and -

19           (B) Publish notice on the official webpage designated by the  
20 department beginning at least twenty days before the deadline for receipt  
21 of bids. The notice will be deemed to comply with this requirement even  
22 if there are temporary or occasional times when Internet service is down  
23 or the designated webpage is not available for any reason.

24           (ii) Such notice advertisement shall identify the general project  
25 location, state the place where the plans and specifications for the work  
26 may be inspected, and shall designate the time when the bids shall be  
27 filed and opened. The newspaper notice shall identify the department's

1 official webpage where the details of the bid letting may be viewed  
2 electronically.

3 (iii) The notice requirements of this section shall be deemed to  
4 have been met if notice of the bid solicitation has been published on the  
5 department's designated webpage for at least twenty days prior to the  
6 time when bids will be opened, even if there is any defect with the  
7 newspaper notice described in subdivision (1)(a)(i)(A) of this section,  
8 including, but not limited to, meeting a publication deadline that has  
9 been moved by the publisher resulting in an inability to satisfy the  
10 requirement of three consecutive weeks of published notice.

11 (iv) If through no fault of the department publication of such  
12 notice fails to appear as prescribed in subdivisions (1)(a)(i) and (ii)  
13 of this section in any newspaper or newspapers in the manner provided in  
14 this subdivision, the department shall be deemed to have fulfilled the  
15 requirements of this subdivision; and

16 (b) For contracts with an estimated cost, as determined by the  
17 department, of two hundred fifty thousand dollars or less, the  
18 department, in its sole discretion, shall either:

19 (i) Follow the procedures given in subdivision (a) of this  
20 subsection; or

21 (ii) Request bids from at least three potential bidders for such  
22 work. If the department requests bids under this subdivision, it shall  
23 designate a time when the bids shall be opened. The department may award  
24 a contract pursuant to this subdivision if it receives at least one  
25 responsive bid.

26 (2) The Department of Transportation may adjust the amounts in  
27 subdivisions (1)(a) and (b) of this section annually on October 1 by the  
28 percentage change in the Consumer Price Index for All Urban Consumers  
29 published by the United States Department of Labor, Bureau of Labor  
30 Statistics, at the close of the twelve-month period ending on August 31  
31 of such year. The amounts shall be rounded to the next highest one-

1 thousand-dollar amount.

2 **Sec. 2.** Section 39-1355, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 39-1355 (1) The department shall have authority to:

5 (a) Purchase purchase, lease, employ, or acquire by other means, all  
6 needed road materials, machinery, equipment, supplies, services, and  
7 labor necessary for the construction, reconstruction, maintenance, and  
8 control of the state highway system and all tools and materials necessary  
9 to keep such machinery and equipment in repair; and

10 (b) Lease . ~~The department shall also have authority to lease,~~  
11 purchase, construct, or cause to be constructed, buildings for office  
12 accommodations, which are necessary in the administration of the duties  
13 of the department, and buildings for the storing and housing of  
14 materials, machinery, equipment, and supplies.

15 (2) The department shall not ; ~~Provided, that the department may not~~  
16 construct or cause to be constructed any building with an estimated cost  
17 greater than the adjusted dollar amount established for capital  
18 construction projects in section 81-1114.01 ~~exceeding a cost of one~~  
19 ~~hundred thousand dollars~~ without the consent of the Legislature.

20 (3) The maintenance, protection, and control of the materials,  
21 machinery, equipment, supplies, tools, and buildings shall be under the  
22 authority and responsibility of the department.

23 **Sec. 3.** Original section 39-1355, Reissue Revised Statutes of  
24 Nebraska, and section 39-1348, Revised Statutes Cumulative Supplement,  
25 2024, are repealed.