

LEGISLATIVE BILL 114

Approved by the Governor May 5, 1975

Introduced by Warner, 25

AN ACT to amend sections 39-1406 and 39-1407, Reissue Revised Statutes of Nebraska, 1943, relating to county roads; to increase the cost requiring public letting; to change standards for acceptance of bids; to provide for rejection of bids; to permit negotiation; to change notice requirements; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-1406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1406. Before the county board of any county shall make any contract to purchase any materials or supplies for county road purposes, the cost of which shall exceed the sum of ~~two~~ five thousand dollars, except in cases of an emergency nature, such boards shall advertise for bids and award such contract at a public letting. The advertisement of bids shall be published once a week for at least three consecutive weeks in a legal newspaper of the county prior to the date set for receiving bids. The advertisement for bids and public letting shall be had and conducted in the manner provided in sections 73-101 to 73-105. Nothing in this section shall be construed as repealing or amending the provisions of sections 39-810 to 39-826. Any contract for the purchase of materials shall be let to the lowest responsible bidder. If all bids received are unacceptable, the county board shall have the power to purchase materials on a negotiated basis, but the county board shall adhere to all specifications that were required for the initial bids on contracts. Purchase or lease of equipment shall be by majority action of the board.

Sec. 2. That section 39-1407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1407. Whenever contracts are to be let for road improvements it shall be the duty of the county board to cause to be prepared and filed with the county clerk an estimate of the nature of the work and the cost thereof. After such estimate has been filed, bids for

such contracts shall be advertised ~~in a legal newspaper for ten days by publication of a notice thereof once a week for three consecutive weeks in a legal newspaper of the county prior to the date set for receiving bids.~~ Bids shall be let to the lowest and ~~best~~ responsible bidder. The board shall have the discretionary power to reject any and all bids for sufficient cause. If all bids are rejected, the county board shall have the power to negotiate any contract for road improvements, but the county board shall adhere to all specifications that were required for the initial bids on contracts. The board shall have the discretionary power to authorize the Department of Roads to take and let bids on behalf of the county at the offices of the department in Lincoln, Nebraska. When the bid is accepted the bidder shall enter into a sufficient bond for the use and benefit of the county, precinct, or township, for the faithful performance of the contract, and for the payment of all laborers employed in the performance of the work, and for the payment of all damages which the county, precinct, or township may sustain by reason of any failure to perform the work in the manner stipulated. It shall be the duty of the county to determine whether or not the work is performed in keeping with such contract before paying for the same.

Sec. 3. That original sections 39-1406 and 39-1407, Reissue Revised Statutes of Nebraska, 1943, are repealed.