

LEGISLATIVE BILL 978

Approved by the Governor April 12, 2010

Introduced by Mello, 5; Haar, 21.

FOR AN ACT relating to the Department of Administrative Services; to amend section 81-161, Reissue Revised Statutes of Nebraska; to provide requirements relating to energy star certified appliances in the competitive bidding process; to provide powers for the materiel administrator; and to repeal the original section.

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

Section 1. Section 81-161, Reissue Revised Statutes of Nebraska, is amended to read:

81-161 (1) All purchases, leases, or contracts which by law are required to be based on competitive bids shall be made to the lowest responsible bidder, taking into consideration the best interests of the state, the quality or performance of the personal property proposed to be supplied, its conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest responsible bidder, in addition to price, the following elements shall be given consideration:

~~(1)~~ (a) The ability, capacity, and skill of the bidder to perform the contract required;

~~(2)~~ (b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

~~(3)~~ (c) Whether the bidder can perform the contract within the time specified;

~~(4)~~ (d) The quality of performance of previous contracts;

~~(5)~~ (e) The previous and existing compliance by the bidder with laws relating to the contract;

~~(6)~~ (f) The life-cycle costs of the personal property in relation to the purchase price and specific use of the item;

~~(7)~~ (g) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;

~~(8)~~ (h) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;

~~(9)~~ (i) The information furnished by each bidder concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis;

~~(10)~~ (j) The results of the United States Environmental Protection Agency tests on fleet performance of motor vehicles. Each bidder shall furnish information relating to such results; and

~~(11)~~ (k) Such other information as may be secured having a bearing on the decision to award the contract.

(2) Any appliance purchased or leased pursuant to this section shall be energy star certified, except that the materiel administrator may exempt the purchase or lease of an appliance from this subsection if he or she determines that the cost of compliance would exceed the projected energy cost savings.

(3) All political subdivisions may follow the procurement principles set forth in this section if they are deemed applicable by the official authorized to make purchases for such political subdivision.

(4) For purposes of this section, energy star certified means approval of energy usage by the United States Environmental Protection Agency and the United States Department of Energy. Such approval may be signified by the display of the energy star label.

Sec. 2. Original section 81-161, Reissue Revised Statutes of Nebraska, is repealed.