

County Purchasing Act (Neb. Rev. Stat. §§ 23-3101 to 23-3115)

Purchases How Made (§ 23-3108)	
Competitive Sealed Bidding Process	\$50,000 or more
Securing and Recording at least Three Informal Bids, If Practicable	\$10,000 < \$50,000
Purchasing in the Open Market	< \$10,000 (subject to compliance with budget provisions outlined in §23-1112)

Bidding Elements to Consider (when applicable) (§ 23-3110)	Company	Company	Company	Company	Company	Company
The price						
The ability, capacity, and skill of the supplier to perform						
The character, integrity, reputation, judgment, experience, and efficiency of the supplier						
The quality of previous performance						
Whether the supplier can perform within the time specified						
The previous and existing compliance with the supplier with laws relating to the purchase or contract						
The life-cost of the personal property or service in relation to the purchase price and the specific use						
The performance of the personal property or service taking into consideration any commonly accepted tests and standards of product or service usability and user requirements						
The energy efficiency ratio as stated by the supplier						
The life-cycle costs between alternatives for all classes of equipment, the evidence of expected life, the repair and maintenance costs, and the energy consumption on a per year basis; and						
Such other information as may be secured having a bearing on the decision						

Competitive sealed bidding procedure when required by §23-3108 (§ 23-3111)
1. Sealed bids shall be solicited by public notice in a legal newspaper of general circulation in the county at least once a week for two consecutive weeks before the final date of submitting bids
2. In addition to subdivision (1) of this section, sealed bids may also be solicited by sending requests by mail to prospective suppliers and by posting notice on a public bulletin board
3. The notice shall contain: (a) A general description of the proposed purchase; (b) an invitation for sealed bids; (c) the name of the county official in charge of receiving the bids; (d) the date, time, and place the bids received shall be opened; and (e) whether alternative items will be considered
4. All bids shall remain sealed until opened on the published date and time by the county board or its designated agent
5. Any or all bids may be rejected and the bid need not be awarded at the time of opening, but may be held over for further consideration
6. If all bids received on a pending contract are for the same unit price or total amount and appear to be so as the result of collusion between the bidders, the county board or purchasing agent shall have authority to reject all bids and to purchase the personal property or services in the open market, except that the price paid in the open market shall not exceed the bid price
7. Each bid, with the name of bidder, shall be entered on a record and each record, with the successful bidder indicated thereon, shall, after the award or contract, be open to public inspection; and
8. All lettings on such bids shall be public and shall be conducted as provided in Chapter 73, article 1

NOTE: The Supreme Court stated in *Rath v. City of Sutton*, 267 Neb. 265, 673 N.W.2d 869 (2004),

[C]ompetitive bidding, after public advertising, is a fundamental, time-honored procedure that assures the prudent expenditure of public money.... Competitive bid statutes exist to invite competition, to guard against favoritism, improvidence, extravagance, fraud, and corruption, and to secure the best work or supplies at the lowest possible price. Such states are enacted for the benefit of taxpayers. (Citations omitted.).