

# Nebraska Department of Transportation Procurement Policy

## NOTICE

This guidance document is advisory in nature but is binding on the Nebraska Department of Transportation until amended. A guidance document does not include internal procedural documents that only affect the internal operations of the Department of Transportation and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document. See Neb. Rev. Stat. § 84-901.03.

**Policy No:** 25-24-06  
**Application:** Goods & Services  
**Subject:** Alternative Competitive Bidding Processes  
**Effective Date:** 07-01-2025

### I. **PROCESS APPROVED BY NEBRASKA DEPARTMENT OF TRANSPORTATION (NDOT) DEPUTY DIRECTOR OF OPERATIONS**

- A. Under the State Procurement Act, NDOT procurement processes may vary from the standardized processes contained within the NDOT Procurement Manual if they propose an alternative "process approved by the NDOT Deputy Director of Operations." See Nebraska revised statute § 73-807 (2).
- B. The approval of an alternative competitive bidding process is not approval to avoid competitive bidding.
- C. For the NDOT Deputy Director of Operations to approve an alternative process apart from the processes contained in the NDOT Procurement Manual and NDOT Policies, NDOT Agency Personnel must show the following:
  1. That an identified process within the NDOT Procurement Manual or NDOT Policies is inappropriate for the individual procurement;
  2. That the NDOT Agency Personnels' identified alternative process will be better suited for the procurement without compromising the openness and fairness of the procurement process; AND
  3. The request for an alternative competitive bidding process is not intended to "avoid the requirements of the State Procurement Act." See Neb. Rev. Stat. § 73-812(3).
- D. The NDOT Deputy Director of Operations approves the NDOT Agency Personnel's application form in a written order, and all approval orders are kept on file with NDOT Procurement.
- E. An approved alternative process acts as the applicable procurement policy for the purpose of the procurement. Variance from the alternative policy is grounds for bid protest under NDOT Policy 25-23-07 (NDOT Protest Policy) in the same manner as a variance from the procurement processes in the NDOT Procurement Manual or NDOT Policies.

- F. To file an application for an alternative process, NDOT Agency Personnel will provide the following to NDOT Procurement and NDOT Procurement will enter an 08 Requisition in E1 and attach the documentation.
  - 1. A completed copy of NDOT Form 7.
  - 2. A proposed order for the NDOT Deputy Director of Operations.

## II. **RESTRICTIVE BIDDING (Personal Property Only)**

- A. NDOT Agency Personnel must seek restrictive bidding approval from the NDOT Procurement Manager or designee when the bidding is limited to certain brands or manufacturers.
- B. NDOT Agency Personnel bear the burden to show that only a particular brand or manufacturer can fulfill NDOT's needs by proving:
  - 1. NDOT Agency Personnel researched contractor options for the desired personal property.
  - 2. No other brand or manufacturer can provide the personal property, OR no other brand or manufacturer can provide the desired personal property at the required location.
  - 3. NDOT Agency Personnel cannot write the specifications more broadly to encourage competition.
- C. To request approval for restrictive bidding, NDOT Agency Personnel will provide the following to NDOT Procurement and NDOT Procurement will enter an 08 Requisition in E1 and attach the documentation.
  - 1. Completed NDOT Form 2
  - 2. Any supporting materials for NDOT Procurement, NDOT Form 2
- D. If the NDOT Procurement Manager or designee does not respond to a NDOT Agency Personnel's request to approve restrictive bidding within ten (10) business days of its submission, the request is denied by default.

## III. **PUBLICATION FOR FEWER THAN FIFTEEN (15) CALENDAR DAYS**

- A. The NDOT Procurement Manager may waive the fifteen-day (15-day) minimum posting requirement contained in Neb. Rev. Stat. § 73-809 (1).
- B. NDOT Agency Personnel bear the burden to prove the following:
  - 1. The fifteen-day (15-day) minimum posting requirement is inappropriate or incompatible with the circumstances of the procurement or contract, and
  - 2. Granting a shorter minimum posting requirements will not undermine the openness and fairness of the procurement process. See Neb. Rev. Stat. § 73-802.
- C. To request a solicitation be published for fewer than fifteen (15) days, NDOT Agency Personnel will provide the following to NDOT Procurement and NDOT Procurement will enter an 08 Requisition in E1 and attach the documentation.
  - 1. Completed NDOT Form 6;
  - 2. Any supporting materials for NDOT Form 6.
- D. If the NDOT Procurement Manager does not respond to a NDOT Agency Personnel's request that a solicitation be published for fewer than fifteen (15) days within ten (10) business days of its submission, the request is denied by default.

The foregoing policy is duly signed and executed on this 9<sup>th</sup> day of June 2025.

  
Procurement Manager,  
Nebraska Department of Transportation

6/5/25  
Date

  
Deputy Director of Operations,  
Nebraska Department of Transportation

6/9/25  
Date