

# Nebraska Department of Transportation (NDOT) Procurement Manual

NEBRASKA

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DEPARTMENT OF TRANSPORTATION

*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.*

This Manual is established under the Nebraska State Procurement Act and other applicable law to govern the procurement of personal property and services at the Nebraska Department of Transportation, hereinafter referred to as "NDOT".

## I. EXISTING SOURCES

- A. Before contracting for personal property or services, NDOT Agency Personnel must determine if the personal property or services are available on an existing contract or by another state agency.
- B. The following are types of existing personal property and services:
  - 1. **Existing Contracts.** State agencies are required by statute to purchase from state contracts. However, DAS Materiel, State Purchasing Bureau, may grant special purchase authority to agencies on an annual basis.
    - a. Per DAS memo "State Contract Purchasing" dated 04-01-25: In accordance with Neb. Rev Stat § 73-812 (8) the Department of Administrative Services - Materiel Administrator gives all State Agencies the following purchasing power when it comes to personal property/goods purchases:
      - i. Total Purchase \$0 - \$499.99  
When the total purchase is between \$0 and \$499.99 a state agency may make a direct purchase from a vendor regardless of whether the item is on a statewide contract or not. The state agency does not have to prioritize statewide contracts for this purchasing level but is encouraged to check statewide contracts when possible. Agencies are not to create multiple purchases back-to-back to avoid a higher purchase amount over \$499.99. No required reporting for this price range.
      - ii. Total Purchase \$500.00 - \$4,999.99  
**When the savings is 5% or greater to not purchase off a statewide contract:**
        - a. A state agency must document a savings of five percent (5%) or greater to not purchase from a statewide contract without asking DAS-Materiel Administrator for permission.
        - b. The District/Division would need to obtain a price from the Non-Contracted Vendor, for the same or like product, as what is available from a state contract. Both prices shall be documented on the Non-Contract Reporting \$500 to \$4,999.99 Form.
        - c. These prices shall be documented and attached to the OnBase Invoice Payment Form (IPF) or if using a credit card, then the documented prices must be retained with the credit card purchase information.
        - d. The purchase will need to be recorded on the attached Non-Contract Reporting \$500 to \$4,999.99 Form.
        - e. By the 5<sup>th</sup> of each month, each District/Division that has made a purchase under this policy will be required to submit the Non-Contract Reporting \$500 to \$4,999.99 Form, for the prior month, for their entire District/Division to [ndot.procurementsourcing@nebraska.gov](mailto:ndot.procurementsourcing@nebraska.gov).
        - f. If no purchases were made by the District/Division please submit a blank Non-Contracting Reporting form to [ndot.procurementsourcing@nebraska.gov](mailto:ndot.procurementsourcing@nebraska.gov) stating that no purchases were made for the previous month.

- g. The NDOT Procurement Sourcing Team will be responsible for submitting these reports quarterly to DAS-Materiel.
- iii. **When the saving is NOT 5% or greater: Purchases in this section shall not take place until NDOT has received approval from DAS.**
  - a. The District/Division would need to obtain a written quote from the Non-Contracted Vendor, for the same or like product, as the contracted vendor. The contract price or price sheet from the contracted vendor, or the quote received from the contracted vendor that reflects their pricing.
  - b. The District/Division will need to complete the NDOT OnBase Purchase Request Form and attach the quotes from the non-contracting vendor and the contracted price.
  - c. The OnBase Purchase Request Form will route to NDOT Procurement, and they will work with the District\Division to complete SPB Form 5.
  - d. Once the SPB Form 5 is complete NDOT Procurement will submit a 08 Requisition in E1 for DAS review and approval or denial.
  - e. NDOT Procurement will notify the District\Division with either the denial or approval from DAS.
  - f. If DAS approves, the district will then be able to proceed with purchasing from the Non-Contracted Vendor and the District\Division should attach the quotes and the approval from DAS to the IPF Form. If using a credit card all documentation should be retained with the credit card purchase information.
  - g. The purchase will also need to be recorded by the District/Division on the attached Non-Contract Reporting \$500 to \$4,999.99 Form.
  - h. By the 5<sup>th</sup> of each month, each District/Division that has made a purchase under this policy will be required to submit the Non-Contract Reporting \$500 to \$4,999.99 Form, for the prior month, for their entire district to [ndot.procurementsourcing@nebraska.gov](mailto:ndot.procurementsourcing@nebraska.gov).
  - i. The NDOT Procurement Sourcing Team will be responsible for submitting these reports quarterly to DAS-Materiel.
- iv. **Total Purchase \$5,000.00 or greater: Purchases in this section shall not take place until NDOT has received approval from DAS.**
  - a. When the total purchase is \$5,000 or greater and the items are offered on a statewide contract, a state agency must fill out an SPB Form 5 and submit for approval if the state agency is not wanting to purchase from the statewide contract, regardless of the savings percentage.
  - b. The District/Division would need to obtain a written quote from the Non-Contracted Vendor, for the same or like product, as the contracted vendor. The contract price or price sheet from the contracted vendor, or the quote received from the contracted vendor that reflects their pricing.
  - c. The District/Division will need to complete the NDOT OnBase Purchase Request Form and attach the quotes from the non-contracting vendor and the contracted price.
  - d. The OnBase Purchase Request Form will route to NDOT Procurement and NDOT will work with the District\Division to complete SPB Form 5.

- e. Once, SPB Form 5 is complete NDOT Procurement will submit a 08 Requisition in E1 for DAS review and approval or denial.
  - f. NDOT Procurement will notify the District\Division with either the denial or approval from DAS.
  - g. If DAS approves, the District\Division will then be able to proceed with purchasing from the Non-Contracted Vendor and the District\Division should document the quotes and the approval from DAS in the IPF Form when paying the invoice.
2. Print & Copy. All printing requests must be processed through the Department of Administrative Services - Materiel Division, Printing Services.
  3. Information Technology ("IT") and Communication-Related.
    - a. The Office of the Chief Information Officer ("OCIO") must approve the acquisition of any information management item prior to any purchase. This includes computer hardware, software, and maintenance and professional services for any IT project.
    - b. The Nebraska Information Technology Commission policy permits the OCIO to preapprove items for purchase. A copy of this policy, the criteria used in conducting reviews of information management purchases and the list of preapproved items are available at <http://nitc.ne.gov/standards/1-204.html>.

## II. COMPETITIVE BIDDING

- A. Contracts subject to the State Procurement Act (Neb. Rev. Stat. § 73-801 et seq.) with a total cost greater than fifty-thousand dollars (\$50,000) must be competitively bid unless an exception applies.
  1. Typically, services are competitively bid using a Request for a Proposal (RFP), and personal property is competitively bid using an Invitation to Bid (ITB).
  2. RFP's and ITB's are documents that are used to solicit responses from potential vendors and that provide for the negotiation of some terms before the contract award.
  3. Competitive Bidding Process Management.
    - a. For NDOT specific services solicitations:
      - i. The competitive bidding process will be managed by NDOT Procurement.
    - b. For statewide contracts, (meaning when the contract will be used by other state agencies):
      - i. SPB (State Purchasing Bureau) will manage the competitive bidding process, and the resulting contract will be available for statewide use.
    - c. For NDOT specific personal property solicitations:
      - i. The competitive bidding process will be managed by NDOT Procurement.
    - d. For statewide personal property contracts, (meaning when the contract will be used by other state agencies):

- i. SPB will manage the competitive bidding process and the resulting contract will be available for statewide use, unless the Materiel Administrator grants direct purchase authority.

## B. Solicitations

### 1. Scope of Work

- a. The solicitation should describe the personal property or services that are sought by the NDOT Agency Personnel.
- b. The description of the personal property or services should be broad enough to attract as many bidders as possible but narrow enough to procure the necessary personal property or services.
- c. Responsibility for defining the personal property or services required lies with NDOT Agency Personnel subject matter experts in all procurements.

### 2. Mandatory Contract Requirements

- a. Solicitations must designate mandatory requirements.
- b. Mandatory requirements are the requirements that will be used to evaluate each bidder's solicitation response.
- c. The use of the words "must," "shall," or "will" indicate a mandatory requirement.

### 3. Terms and Conditions

- a. NDOT Agency Personnel are encouraged to use the applicable NDOT Procurement solicitation template when feasible.
- b. NDOT Agency contracts must incorporate all nonnegotiable provisions contained in the applicable NDOT Procurement solicitation templates, unless otherwise approved by NDOT Procurement.
- c. Any provision that NDOT Agency Personnel label as "nonnegotiable" may not be substantively altered in the final contract, unless approved by NDOT Procurement.

### 4. Evaluation Process

- a. NDOT Procurement must have a fair and impartial evaluation process that considers cost realism, cost reasonableness, and the responsibility of each bidder. Neb. Rev. Stat §§ 73-808, 73-810.
- b. For Services Solicitations:
  - i. NDOT Agency Personnel must establish criteria to evaluate eligible solicitation responses and assign points for those criteria. These criteria must include corporate, technical, and cost criteria. In addition to these criteria, the NDOT Agency Personnel may determine that vendor demonstrations are required.
  - ii. Unless otherwise approved by the NDOT Deputy Director of Operations or designee, the points for corporate, technical, and cost criteria must equal 100 points when added together.
  - iii. The points for each criterion must be within the following ranges:
    - a. Corporate Criteria
      - i. Corporate criteria ask about the bidder's business operations, qualifications, and competencies (e.g., prior experience,

- corporate composition, financial stability, contract performance, etc.).
  - ii. A bidder's response to corporate criteria ("Corporate Overview") must be worth at least 25 percent of the total points.
- b. Technical Criteria
  - i. Technical criteria ask the bidder to describe their method for executing the requirements listed in the solicitation.
  - ii. The bidder's response to technical criteria ("Technical Response") must be worth at least 25 percent of the total points.
- c. Cost Criteria
  - i. Cost criteria ask the bidder to propose a price at which they can provide the personal property or perform the services listed in the solicitation.
  - ii. The bidder's response to cost criteria ("Cost Sheet") must be worth at least 10 percent of the total points but no more than 20 percent of the total points.
- c. For Personal Property Solicitations:
  - i. NDOT Procurement must establish criteria to evaluate eligible solicitation responses, and those criteria should consider the factors identified in Neb. Rev. Stat. § 73-808.
    - a. NDOT Agency Personnel may evaluate solicitation responses based on cost alone so long as the agency still evaluates cost realism, cost reasonableness, and the responsibility of each bidder, Neb. Rev. Stat §§ 73-808, 73-810; or
    - b. NDOT Agency Personnel may assign points for the designated criteria.
      - i. The criteria must include corporate, technical, and cost criteria as those terms are defined above. In addition to these criteria, NDOT Agency Personnel may determine that vendor demonstrations are required.
      - ii. Unless otherwise approved by the NDOT Deputy Director of Operations or designee, the points for all criteria must equal 100 points when added together.
- d. When NDOT Agency Personnel determine vendor demonstrations are required, additional points are allocated to vendor demonstrations. These additional points must not exceed 20 percent of the total points allocated to corporate, technical, and cost criteria.
- e. Only requirements specified in the solicitation may be evaluated.
- f. NDOT Agency Personnel must designate the individual or individuals who will evaluate the solicitation responses. NDOT Agency Personnel may assign evaluation criteria to the designated evaluators as it sees fit.
- g. NDOT Procurement may direct evaluators to score solicitation responses by individual scoring or by consensus scoring, but not by both for the same solicitation.
  - i. Individual scoring is any solicitation response evaluation method in which evaluators individually score vendor responses without discussing their scoring decisions with one another.
  - ii. Consensus scoring is any solicitation response evaluation method in

which evaluators discuss vendor responses with one another to agree on a single group score.

- h. NDOT Agency Personnel must identify which scoring method it will use before the release of the solicitation.

5. Public Notice

- a. The solicitation must be posted for at least fifteen (15) calendar days, unless the NDOT Procurement Manger approves a posting for less time upon the NDOT Agency Personnel showing of a unique requirement. Neb. Rev. Stat. § 73-809.
- b. The solicitation must be filed with NDOT Procurement for dissemination or website access to interested vendors," but it may also be published on any public forum. Neb. Rev. Stat. § 73-807 (5).
- c. The solicitation must state the forum from which interested vendors can find updates about the solicitation (e.g., the NDOT Procurement webpage, a specific newspaper, etc.).
- d. The public notice should minimally include:
  - i. A brief description of the personal property or services needed;
  - ii. Where the solicitation may be viewed;
  - iii. A point of contact with NDOT; and
  - iv. The deadline for response.

6. Secured Submission

- a. The solicitation responses must be submitted by a secured method (e.g., mailed or hand-delivered sealed envelopes, a secured electronic platform, etc.) and must not be opened until the bid opening as specified in the solicitation.
- b. Regardless of submission method, NDOT Procurement must document the date and time of the submitted solicitation responses' receipt.

7. Bid Opening

- a. NDOT Procurement must read aloud the names of the bidders that submitted responses to the posted solicitation at a bid opening.
- b. Bid openings must be at a date and time fixed within the solicitation and must be available for all bidders to attend. Neb. Rev. Stat. § 73-101.
- c. Bid openings may be in-person or virtual.

8. Public Award

- a. The contract for personal property or services described in the solicitation will be awarded to the highest scoring solicitation response(s).
- b. A notice describing which solicitation response(s) have been awarded the contract (i.e., an "Intent to Award") will be published on the NDOT Procurement webpage.
- c. The evaluated solicitation responses must be available to the public after the Intent to Award has been published.
- d. The solicitation responses may be withheld from public disclosure until an Intent to Award has been issued. Neb. Rev. Stat§ 73-101.

9. Contract Negotiation & Execution
  - a. Contract negotiations may commence after an Intent to Award has been published on NDOT Procurement's webpage, even if the protest period has not yet passed.
  - b. A contract may not be executed until after the protest period, unless otherwise approved by the NDOT Deputy Director of Operations or designee.
10. Protests & Debriefs
  - a. Bid protests must be filed in accordance with NDOT Policy 23-07, Protests.
  - b. NDOT may debrief disappointed vendors on their solicitation responses, but that debrief may only occur after the protest period has passed.

C. Ethical Requirements

1. Contractors involved in the development or execution of a solicitation may not bid on that solicitation.
2. Evaluators may not have a conflict of interest, as determined by the NDOT Procurement Manager or designee.
3. Evaluators must sign an "Evaluator Agreement," provided or approved by NDOT Procurement.

D. Optional Pre-Solicitation Processes

1. NDOT Procurement may draft and post a Request for Information ("RFI").
  - a. An RFI is used to gather information, is not considered a competitive bid, and is not subject to the requirements of this manual.
  - b. An RFI may not result in a contract or procurement, unless SPB approves, in advance, an RFI being a mandatory requirement of an RFP.
2. A Request for Qualifications ("RFQ") is a formal process used to screen vendors who may submit a solicitation response based on their qualifications to provide the required services. NDOT Procurement may use an RFQ in addition to or instead of an RFP with permission from the NDOT Deputy Director of Operations or his or her designee

### III. Alternative Process

If NDOT Agency Personnel wish to deviate from the requirements set forth in this Procurement Manual, he or she must receive written permission to do so from the NDOT Deputy Director of Operations or designee according to NDOT's Alternative Process Policy.

### IV. Exceptions

- A. NDOT Agency Personnel seeking an exception to the competitive bid process must follow NDOT's Exception Policy. Except for emergencies, all exception requests must be submitted to and approved by the NDOT Procurement Manager and/or the

NDOT Deputy Director of Operations or designee before NDOT procures the personal property or service.

B. Exceptions to competitive bidding include:

1. Sole Source – See NDOT Sole Source Policy
2. Emergency – See NDOT Emergency Policy
3. Price is established by the General Services Administration (GSA) (Neb. Rev. Stat. § 73-813(1)(a))
4. Otherwise competitively bid contracts (e.g., NASPO Contracts) (Neb. Rev. Stat. § 73-813(1)(a))
5. Other circumstances in accordance with law (Neb. Rev. Stat. § 73-813(1)(b))
6. Those listed in Neb. Rev. Stat. § 73-813(2)

V. **Contracts Exempt from this Manual**

Common statutory exemptions from the State Procurement Act (Neb. Rev. Stat. § 73-801 et seq.) are found in § 73-813(2) & § 73-803(11).

**[SIGNATURE PAGE TO FOLLOW.]**

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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

  
Director,  
Nebraska Department of Transportation

6-9-25  
DATE