



Association for the Improvement
of American Infrastructure

P3 Snapshot: Nebraska

SUMMARY OF P3 LEGISLATIVE STATUS:

Currently authorized for accelerated project delivery (not specifically P3s).

- Does this state have broadly enabling P3 legislation?**
P3 statutory authority is not currently enabled for transportation infrastructure, municipal facilities or environmental projects in Nebraska. Design + Build was recently enacted.
- Does the state allow for **Unsolicited Proposals**?**
Nebraska's current statutory authority does not address any allowance for submission and consideration of unsolicited proposals for P3s infrastructure projects.
- What is the state's P3 **Review Process**?**
Fair and open competitive bidding is the standard for procurement of goods and services in support of the needs of the citizens of the state of Nebraska.
- Does the state have a **Centralized Agency** dedicated to P3?**
There is not a currently identified central agency or authority involved in procurement and management of P3 projects. Nebraska Dept. of Transportation is the central procurement authority for accelerated project delivery.
- Is this a **Home Rule state**, with limitations or opportunities for P3?**
Nebraska is not a Home Rule state, and employs Dillon's Rule to all municipalities; which allows the legislature to control local government structure, methods of financing its activities, processes and procedures.
- Does this state have programmatic requirements for P3 participation (ie MWDBE or labor)?**
While not related to P3 procurements, any funding covenants will otherwise stipulate compliance with MWDBE participation (i.e., Federal funding requirements), as well as payment and performance guarantees through the Miller Act. Davis-Bacon governs prevailing wage for applicable labor categories involving Federally funded projects.
- Are P3 projects in this state eligible for other financing programs?**
State transportation projects may be eligible for TIFIA financing support, but there is no provision for private sector investment in public infrastructure. Water projects may be eligible for WIFIA financing support; but there are no comparable private investment provisions for water-related projects.
- What Projects or Asset Classes are eligible for P3 in this state?**
In order to provide the earliest possible mobility, freight, safety and economic benefits to the public, NDOT can selectively use alternative contracting tools to help accelerate the largest and most complex road projects.
- Are there Projects where the P3 procurement method has been applied?**
Design + Build is widely accepted as a procurement method in Nebraska. CM/GC and DB have been used for construction of public school facilities and municipal buildings. These methods optimize taxpayer dollars by streamlining contracting steps. In addition, the end user realizes the benefit of the final product sooner than with traditional Design-Bid-Build.
- What is the legislative foundation for P3s in this state?**
Nebraska enacted a Design + Build statute; which, coupled with the recent passage of an increase in the retail gas tax, should serve the state in terms of being able to respond to needs for capital improvements for public infrastructure.

D: Design | **B:** Build | **F:** Finance | **O:** Operate | **M:** Maintain