

TITLE 7 - STATE BUILDING DIVISION

CHAPTER 2 - LEASING PRIVATELY OWNED REAL PROPERTY

001. AUTHORITY. Neb. Rev. Stat. Sections 81-161 through 81-161.01, 81-1108.15, 81-1108.16, 81-1108.17, 81-1108.22, 81-1108.55, 81-1108.56 and 81-1108.57.

002. REQUEST.

002.01 The agency seeking space (Tenant Agency) needs to submit a detailed Leasing Requisition for Real Property form, which can be found on the State Building Division (SBD) website, to the SBD for the space desired.

002.02 The SBD will review the Leasing Requisition for Real Property and determine if the request is valid. If so, the SBD will proceed with obtaining approval from the Director of the Department of Administrative Services (DAS) and procuring the requested space.

002.03 Upon approval by the Director of DAS, the SBD, in cooperation with the Tenant Agency, will prepare the necessary detailed specifications for a Request for Proposals (RFP) and arrange for advertisement.

002.03(A) The advertisement will contain:

- (i) A general description of the property desired;
- (ii) Instructions on how to obtain an RFP packet;
- (iii) Instructions on how to submit a proposal; and
- (iv) The time and place proposals are to be opened.

002.04 A minimum of fifteen days must elapse between the time formal bids are advertised and the time of their opening. This requirement may be waived by the SBD administrator upon a showing by the Tenant Agency of an emergency, sole or specialized source, or another unique requirement.

002.05 The formal RFP process may be waived by the SBD administrator when conditions exist to defeat the purpose and principles of public competitive bidding.

003. REVIEW.

003.01 The SBD is responsible for opening sealed bids and preparing a bid summary for use by the Tenant Agency. The bid summary and a copy of all proposals received will be given to the Tenant Agency.

003.02 The SBD will coordinate and be included in any site inspections of proposed locations.

003.03 After a review of all proposals and site inspections by the Tenant Agency and the SBD, a written recommendation by the Tenant Agency will be made to the SBD specifying the most acceptable proposal and corresponding justification for that recommendation. This recommendation will be made in accordance with the evaluation criteria developed by the Tenant Agency and included as a part of the RFP packet, as well as applicable law.

003.04 The SBD will be the final authority on the proposal selection and award of contract. Any and all bids may be rejected.

004. LEASE.

004.01 Upon approval by the Director of DAS and the SBD of the contract award, the SBD will proceed in finalizing a lease agreement with the successful bidder (Lessor). Copies of the lease agreement will be sent to the Lessor for review and signature(s) and then returned to the SBD (Lessee) for final review and approval by the SBD. Once the lease is executed, the SBD will return one fully executed copy of the lease agreement to the Lessor.

004.02 The proposed lease agreement will not take effect until executed by all necessary parties and the premises are ready for full legal occupancy. If a lease agreement cannot be successfully executed between the SBD and the Lessor, a new RFP may be issued.

004.03 SBD will then prepare a Space Allocation Agreement between the Lessee and the Tenant Agency. The Space Allocation Agreement is a binding agreement between the Tenant Agency and the SBD guaranteeing reimbursement by the Tenant Agency to Lessee for all rentals and associated lease costs paid to Lessor by the Lessee. A copy of the lease agreement will be attached to the Space Allocation Agreement.

005. When obtaining new space, these rules and regulations do not apply if the proposed lease cost is less than \$25,000.00 per year.

006. A losing bidder may file a protest within ten (10) days after notification of intent to award a lease contract. Such protest must be in writing and delivered to the State Building Administrator.

