



Jim Pillen, Governor

To: All State Agencies
From: Department of Administrative Services, Materiel Administrator
Application: Goods & Services
Subject: Responsibility & Responsiveness
Effective Date: 07-01-2025

This Guidance is provided under Neb. Rev. Stat. § 73-807 to aid agency decision makers in evaluating bids in response to competitive solicitations.

I. RESPONSIBILITY

- A. Responsibility relates to the capability of a bidder to perform the work or provide the items the State is seeking. Contracts are only to be awarded to responsible bidders.
- B. Responsibility determinations must include the elements required under Neb. Rev. Stat. § 73-808 (1) and (2).
- C. For solicitations where the bidding process is conducted by State Purchasing Bureau (“SPB-led solicitations”), the Materiel Administrator may decide that a bidder is not responsible at any time based on information from any source. For solicitations where the bidding process is conducted by the procuring agency (“agency-led solicitations”), the procuring agency’s director has the same discretion.

II. RESPONSIVENESS

- A. Responsiveness relates to a bid’s compliance with the requirements of a competitive solicitation. A “responsive bid” is a solicitation response that conforms in all material respects to the solicitation’s requirements. Only responsive bids will be considered when evaluating solicitation responses.
- B. A “minor informality” is an insignificant mistake in a bid response that can be waived or corrected without prejudice to other bidders. Elements of solicitation responses that effect price, quantity, quality, delivery, or contractual conditions are not minor informalities. Minor informalities may be waived at the discretion of the agency leading the procurement.
- C. For SPB-led solicitations, the Materiel Administrator makes responsiveness determinations. For agency-led solicitations, the procuring agency’s director has the same discretion.

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