




Memorandum

DATE: December 19, 2023

TO: Todd Stull, MD
Chairperson, Opioid Settlement Advisory Committee

FROM: Tony Green, Interim Director of Division of Behavioral Health 

RE: Utilization of Opioid Settlement Advisory Committee Request for Proposal (RFP)

Nebraska Department of Health and Human Services (DHHS) is unable to utilize the Request for Proposals (RFP) carried out by the Opioid Settlement Advisory Committee (Committee). DHHS is bound by the State's competitive bidding requirements contained in Nebraska Revised Statute, and the Department of Administrative Services' procedures. The RFP process conducted by the Committee does not comport with these requirements.

DHHS does have discretion to make certain grant awards and procurements outside of competitive bid requirements. For example, contracts under \$50K (total value including renewals) do not require competitive bids. Thus, contracts under \$50K could be submitted by the Committee to DHHS for review. If approved, DHHS could execute the contract(s).

Additionally, contracts for exempt services do not require a competitive solicitation. Relevant examples are:

- Agreements with state or local government agency for the direct provision of services to the public.
- Agreements between a state agency and the University of Nebraska, the Nebraska state colleges, the courts, the Legislature, or state agencies established by the Constitution of Nebraska.

I hope this helps clarify the State's need to solicit and award funds in accordance with state procurement laws and procedures.