

## DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or [library@lcb.state.nv.us](mailto:library@lcb.state.nv.us).

FOR AB 425

2-1 Section 1. Chapter 338 of NRS is hereby amended by adding  
2-2 thereto a new section to read as follows:

2-3 **1. Any bidder ~~[A person who makes an unsuccessful bid]~~  
2-4 may file a notice**

2-4 **of [appeal] protest with [a hearing officer] the authorized**  
2-5 **representative designated by the public body to**

2-5 **[hear such appeals] within 5 business days after[;**

2-6 **(a) The date of award, as entered on the bid record] the bid**  
2-7 **opening; [and**

2-7 **(b) The notice of award has been posted in at least three public**

2-8 **buildings, including, without limitation, the location of the**  
2-9 **using**

2-9 **agency.]**

2-10 **2. The notice of [appeal] protest must include a written**  
2-11 **statement**

2-11 **setting forth with specificity the reasons the [person] bidder**  
2-12 **filing the**

2-12 **notice believes the applicable provisions of law were violated.**  
2-13 **[not adhered**

2-13 **to in awarding the contract.]**

2-14 **3. A [person] bidder filing a notice of [appeal] protest must**  
2-15 **post at time of filing, a bond with a**

2-15 **good and solvent surety authorized to do business in this state**  
2-16 **or**

2-16 **submit other security, in a form approved by the public body, to**

2-17 **the public body who shall hold the bond or other security until**  
2-18 **a**

2-18 **determination is made on the [appeal] protest. A bond posted**  
2-19 **or other**

2-19 **security submitted with a notice of appeal must be in an**  
2-20 **amount**

2-20 **equal to 25 percent of the total value of the base bid submitted**  
2-21 **by the**

2-21 **[person] bidder filing the notice of [appeal] protest, up to a**  
2-22 **maximum bond or other security amount of \$250,000.**

2-22 4. A notice of [appeal] protest filed in accordance with the provisions

2-23 of this section operates as a stay of action in relation to any  
2-24 contract award until a determination is made by the public  
body ~~[hearing officer]~~ on  
2-25 the [appeal] protest.

2-26 5. A [person] bidder who makes an unsuccessful bid may not seek any

2-27 type of judicial intervention until the ~~[hearing officer]~~ public  
body has made a  
2-28 determination on the [appeal] award.

2-29 6. Neither a public body nor any authorized representative of

2-30 the public body is liable for any costs, expenses, attorney's fees,

2-31 loss of income or other damages sustained by a [person] bidder who makes

2-32 an unsuccessful bid, whether or not the [person] bidder files a notice of

2-33 [appeal] protest pursuant to this section.

2-34 7. If the [appeal] protest is upheld ~~[and the award is cancelled]~~, the

2-35 bond posted or other security submitted with the notice of [appeal] protest

2-36 must be returned to the [person] bidder who posted the bond or submitted

2-37 the security. If the [appeal] protest is rejected ~~[and the award is upheld]~~, a

2-38 claim may be made against the bond or other security by the  
2-39 public body in an amount equal to the expenses incurred by the

2-40 public body because of the unsuccessful [appeal] protest. ~~[The hearing~~

2-41 ~~officer shall hold a hearing on the claim.]~~ Any [money not awarded

<sup>2-42</sup> ~~by the hearing officer]~~ excess money after the claim has been  
satisfied must be returned to the [person] bidder who posted  
<sup>2-43</sup> the bond or submitted the security.