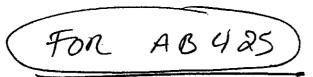
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- 24 Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:
- 22-1. Any bidder [A person who makes an unsuccessful bid] may file a notice
- 24 of [appeal] protest with [a hearing officer] the authorized representative designated by the public body to
- 24 [hear such appeals] within 5 business days after[+
- 24 (a) The date of award, as entered on the bid record the bid opening; [and
- 27 (b) The notice of award has been posted in at least three public
- 24 buildings, including, without limitation, the location of the using
- 20 agency.]
- 2-10 2. The notice of [appeal] protest must include a written statement
- 241 setting forth with specificity the reasons the [person] bidder filing the
- 2-12 notice believes the applicable provisions of law were <u>violated</u>. [not adhered
- 2-43-to-in-awarding the contract.
- 2-14 3. A [person] bidder filing a notice of [appeal] protest must post at time of filing, a bond with a
- 2-15 good and solvent surety authorized to do business in this state 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 a
- 2-18 determination is made on the <u>[appeal] protest</u>. A bond posted or other
- 2-19 security submitted with a notice of appeal must be in an amount
- 220 equal to 25 percent of the total value of the <u>base</u> bid submitted by the
- 221 [person] bidder filing the notice of [appeal] protest, up to a 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 <u>award</u> until a determination is made by the <u>public</u> <u>body [hearing officer]</u> on
- 2-25 the [appeal] protest.
- 2-28 5. A [person] bidder who makes an unsuccessful bid may not seek any
- 227 type of judicial intervention until the [hearing officer] public body has made a
- 2-28 determination on the [appeal] award.
- 229 6. Neither a public body nor any authorized representative of
- 230 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
- 232 an unsuccessful bid, whether or not the [person] bidder files a notice of
- 2-33 [appeal] protest pursuant to this section.
- 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
- 240 public body because of the unsuccessful [appeal] protest. [The hearing
- 241 officer-shall hold a hearing on the claim.] Any [money not awarded

242 by the hearing officer] excess money after the claim has been satisfied must be returned to the [person] bidder who posted 243 the bond or submitted the security.