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Proposed Amendments to AB 295 are as follows:

Section 1. Chapter 338 of NRS is hereby amended to read as follows:

1. The governing body of a local government may deem subcontractors to meet the criteria set forth in NRS 338.1377 unless the public body receives verifiable information indicating that a subcontractor does not meet those criteria. Upon receipt of such information, governing body shall conduct an investigation to determine whether the subcontractor fails to meet the criteria. If the governing body determines that the subcontractor fails to meet the criteria, the governing body may disqualify the subcontractor for a period not to exceed 2 years.
2. A person may request a hearing to be conducted in the manner provided in NRS 338.1381 to appeal his disqualification pursuant to subsection 1.

Sec. 7. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1383~~[-]~~, and section 2 of this act, a person who wishes to qualify as a bidder on a contract for a public work must submit an application to the State Public Works Board or the governing body.

2. Upon receipt of an application submitted pursuant to subsection 1, the State Public Works Board or the governing body shall:

- (a) Investigate the applicant to determine whether ~~he is qualified to bid on a contract; and~~
- ~~—(b) After conducting the investigation, determine whether} the~~ applicant ~~{is qualified to bid on a contract.}~~ meets the criteria adopted pursuant to NRS 338.1375 or as set forth in NRS 338.1377.

(b) Within 5 days after receipt of such an application, provide notice of the receipt of the application to:

- (1) Construction trade associations in this state;
- (2) Labor unions representing trades in the building industry in this state; and
- (3) Any other interested person who has requested such notice.

4. In conducting an investigation pursuant to subsection 2, the State Public Works Board or the governing body may consider any verifiable information about the applicant relating to whether the applicant meets the criteria adopted pursuant to NRS 338.1375 or as set forth in NRS 338.1377 that is discovered by or provided to the Board or governing body.

5. The State Public Works Board or the governing body shall make a determination ~~{must be made}~~ of whether an applicant meets the criteria adopted pursuant to NRS 338.1375 or as set forth in 338:1377 within 30 days after receipt of the application.

~~{3-}~~ 6. The State Public Works Board or the governing body shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of his right to a hearing pursuant to NRS 338.1381.

~~{4-}~~ 7. The State Public Works Board or the governing body ~~{of a local government}~~ may determine an applicant is qualified to bid:

- (a) On a specific project;
- (b) On more than one project over a period of 12 months

(c) On more than one project over a period of 24 months.

~~{5-}~~ **8.** The State Public Works Board and the governing body shall not use any criteria other than the criteria adopted by regulation pursuant to NRS 338.1375 or as set forth in NRS 338.1377 in determining whether to approve or deny an application.

~~{6. The governing body of a local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.}~~

~~—7.~~ **9.** Financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the State Public Works Board or a governing body to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

Section 6. NRS 338.1377 sub section 10 is hereby amended as follows:

~~10. Whether the applicant has been disciplined or fined~~ any complaints against the applicant have been filed with and substantiated by evidence of disciplinary action or adjudication by the State Contractors' Board or another state or federal agency for conduct that relates pertains to the ability of the applicant to perform the work to be required by the local government of the applicant;

The adoption of these amendments will insure that the current prequalification processes that have already been implemented by some public bodies will remain intact and will not have to be revisited. The aforementioned amendments simply codify in law what is already being done.