
ASSEMBLY BILL NO. 167—ASSEMBLYMAN BROWN

FEBRUARY 20, 2003

JOINT SPONSORS: SENATORS O'CONNELL, AMODEI,
CEGAVSKE AND HARDY

Referred to Committee on Commerce and Labor

SUMMARY—Establishes pilot program for use of indefinite quantity contracts by Clark County School District for certain public works. (BDR S-741)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public works; establishing a pilot program for the use of indefinite quantity contracts by the Clark County School District for certain public works; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** As used in sections 1 to 10, inclusive, of this act,
2 unless the context otherwise requires, the words and terms defined
3 in sections 2, 3 and 4 of this act have the meanings ascribed to them
4 in those sections.
5 **Sec. 2.** “Indefinite quantity contract” means a competitively
6 bid contract for a fixed period between the Clark County School
7 District and a contractor in which the contractor agrees to complete
8 an indefinite quantity of units of work on public works for a fixed
9 unit price and which provides for the use of work orders to define
10 the scope of the public works.
11 **Sec. 3.** “Normal business hours” means 6 a.m. to 6 p.m.,
12 Monday through Friday, except legal holidays declared pursuant to
13 NRS 236.015.



1 **Sec. 4.** “Public work” means:
2 1. The repair, reconstruction, alteration, renovation,
3 improvement, installation or demolition of a building, facility or
4 other structure that is owned, leased or operated by the Clark
5 County School District;
6 2. The painting or repainting of a building, facility or other
7 structure that is owned, leased or operated by the Clark County
8 School District;
9 3. The routine, recurring or usual maintenance work for the
10 preservation or protection of a building, facility or other structure
11 that is owned, leased or operated by the Clark County School
12 District; and
13 4. Landscape maintenance, including, without limitation, the
14 repair or replacement of irrigation systems, on property owned,
15 leased or operated by the Clark County School District.
16 **Sec. 5.** 1. The Clark County School District may award an
17 indefinite quantity contract pursuant to sections 1 to 10, inclusive, of
18 this act.
19 2. Except as otherwise provided in this section, if the Clark
20 County School District desires to award an indefinite quantity
21 contract, the Clark County School District must accept bids and
22 award the indefinite quantity contract in the manner provided for
23 bidding and awarding a contract pursuant to NRS 338.1377 to
24 338.1389, inclusive, or 338.143, 338.145 and 338.147.
25 3. For the purposes of NRS 338.1385 or 338.143, an indefinite
26 quantity contract shall be deemed to be a project for which the
27 estimated cost exceeds \$100,000.
28 4. After awarding an indefinite quantity contract, the Clark
29 County School District may issue work orders pursuant to section
30 10 of this act without complying with the provisions of NRS
31 338.1377 to 338.1389, inclusive, or 338.143, 338.145 and 338.147.
32 5. For the purposes of NRS 338.400 to 338.645, inclusive:
33 (a) A work order issued pursuant to section 10 of this act is a
34 contract; and
35 (b) An indefinite quantity contract is not a contract.
36 **Sec. 6.** If the Clark County School District desires to award an
37 indefinite quantity contract, the Clark County School District must
38 develop:
39 1. A catalog of construction tasks which must:
40 (a) Contain a list of public works that may be requested of the
41 contractor pursuant to the indefinite quantity contract;
42 (b) Define what constitutes a unit of each public work listed in
43 the catalog; and
44 (c) Set forth a per-unit price for each public work listed in the
45 catalog, the price of which must be based upon the prevailing rate of



1 wages in the locality and local costs for materials and equipment
2 necessary to perform the unit of the public work; and
3 2. Specifications and standard drawings, if appropriate, for
4 each public work listed in the catalog of construction tasks.

5 **Sec. 7.** An advertisement for bids on an indefinite quantity
6 contract must state the location at which a bidder may obtain a copy
7 of the catalog of construction tasks developed pursuant to section 6
8 of this act for the indefinite quantity contract and any specifications
9 and standard drawings developed for the public works contained in
10 the catalog.

11 **Sec. 8.** 1. A contractor who desires to bid on an indefinite
12 quantity contract must submit to the Clark County School District as
13 a bid:

14 (a) An adjustment factor for work which is subject to the
15 provisions of NRS 338.020 to 338.090, inclusive, and which is
16 performed during normal business hours that is calculated by
17 determining the percentage of the per-unit prices established by the
18 Clark County School District for which the contractor agrees to
19 complete any of the public works contained in the catalog of
20 construction tasks developed pursuant to section 6 of this act during
21 normal business hours;

22 (b) An adjustment factor for work which is subject to the
23 provisions of NRS 338.020 to 338.090, inclusive, and which is
24 performed during times other than normal business hours that is
25 calculated by determining the percentage of the per-unit prices
26 established by the Clark County School District for which the
27 contractor agrees to complete any of the public works contained in
28 the catalog of construction tasks developed pursuant to section 6 of
29 this act during times other than normal business hours;

30 (c) An adjustment factor for work which is not subject to the
31 provisions of NRS 338.020 to 338.090, inclusive, and which is
32 performed during normal business hours that is calculated by
33 determining the percentage of the per-unit prices established by the
34 Clark County School District for which the contractor agrees to
35 complete any of the public works contained in the catalog of
36 construction tasks developed pursuant to section 6 of this act during
37 normal business hours; and

38 (d) An adjustment factor for work which is not subject to the
39 provisions of NRS 338.020 to 338.090, inclusive, and which is
40 performed during times other than normal business hours that is
41 calculated by determining the percentage of the per-unit prices
42 established by the Clark County School District for which the
43 contractor agrees to complete any of the public works contained in
44 the catalog of construction tasks developed pursuant to section 6 of
45 this act during times other than normal business hours.



1 2. A contractor who submits a bid on an indefinite quantity
2 contract is not required to submit the information described in NRS
3 338.141 with his bid.

4 **Sec. 9.** 1. An indefinite quantity contract must include,
5 without limitation:

6 (a) The adjustment factors submitted pursuant to section 8 of
7 this act by the contractor;

8 (b) A minimum dollar amount of work that the Clark County
9 School District agrees to provide to the contractor pursuant to the
10 contract;

11 (c) A maximum dollar amount of work that the Clark County
12 School District may provide to the contractor pursuant to the
13 indefinite quantity contract, which must not exceed \$5,000,000;

14 (d) A method for amending the catalog of construction tasks
15 developed pursuant to section 6 of this act to include additional
16 public works and a formula for determining a per-unit price for any
17 public work that is added to the catalog of construction tasks;

18 (e) A method for issuing work orders to the contractor;

19 (f) A method for resolving disputes between the Clark County
20 School District and the contractor; and

21 (g) A method for annually reviewing and revising, if necessary,
22 the adjustment factors submitted pursuant to section 8 of this act.
23 The method must be based upon a price index of construction costs
24 that is nationally recognized in the construction industry, as
25 determined by the Clark County School District.

26 2. The term of an indefinite quantity contract must be:

27 (a) Not more than 1 year or until the expiration of any extension
28 or renewal of the indefinite quantity contract; or

29 (b) Until completion of the maximum dollar amount of work set
30 forth in the indefinite quantity contract,
31 whichever occurs earlier.

32 3. An indefinite quantity contract may be renewed or extended
33 once for a period of not more than 1 year upon the agreement of the
34 Clark County School District and the contractor who is a party to
35 the indefinite quantity contract. Any extension or renewal of an
36 indefinite quantity contract must be priced on the basis of the
37 catalog of construction tasks developed pursuant to section 6 of this
38 act for the indefinite quantity contract.

39 **Sec. 10.** 1. If the Clark County School District desires to
40 have a public work completed pursuant to an indefinite quantity
41 contract, the Clark County School District must describe the scope
42 of work in writing to the contractor who was awarded the indefinite
43 quantity contract.

44 2. After receiving the description of the scope of work pursuant
45 to subsection 1, the contractor shall prepare and submit to the Clark



1 County School District a proposal in writing that must include,
2 without limitation:

3 (a) An estimated cost of the public work as determined pursuant
4 to subsection 3;

5 (b) A schedule for completing the public work; and

6 (c) The information required to be submitted with a bid on a
7 contract pursuant to NRS 338.141.

8 3. The estimated cost of a public work submitted pursuant to
9 subsection 2 must be in an amount equal to the number of units of
10 the public work to be completed by the contractor during normal
11 business hours multiplied by the adjusted price for work performed
12 during normal business hours plus the number of units of the public
13 work to be completed during times other than normal business hours
14 multiplied by the adjusted price for work performed during times
15 other than normal business hours. The adjusted price for work
16 performed during normal business hours is equal to the per-unit
17 price of the public work set forth in the catalog of construction tasks
18 developed pursuant to section 6 of this act multiplied by the
19 appropriate adjustment factor submitted pursuant to section 8 of this
20 act for work performed during normal business hours. The adjusted
21 price for work performed during times other than normal business
22 hours is equal to the per-unit price of the public work set forth in the
23 catalog of construction tasks developed pursuant to section 6 of this
24 act multiplied by the appropriate adjustment factor submitted
25 pursuant to section 8 of this act for work performed during other
26 than normal business hours.

27 4. After receiving a proposal pursuant to subsection 2, the
28 Clark County School District shall review the proposal and:

29 (a) If the Clark County School District agrees with the proposal,
30 submit a work order to the contractor that must include, without
31 limitation:

32 (1) The scope of work of the public work;

33 (2) The estimated cost of the public work; and

34 (3) The schedule for completing the public work; or

35 (b) If the Clark County School District does not agree with the
36 proposal, reject the proposal.

37 5. If the Clark County School District rejects a proposal
38 pursuant to subsection 4, the contractor may amend the proposal and
39 resubmit the proposal to the Clark County School District.

40 6. The Clark County School District shall not:

41 (a) Issue a work order pursuant to this section for a public work
42 with an estimated cost of more than \$500,000; or

43 (b) Divide a public work into separate portions to avoid the
44 requirements of paragraph (a).



1 **Sec. 11.** This act becomes effective on July 1, 2003, and
2 expires by limitation on July 1, 2005.

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