
ASSEMBLY BILL NO. 295—ASSEMBLYMEN McCLAIN, CLABORN, OHRENSCHALL, ATKINSON, GIBBONS, ANDERSON, ANDONOV, ARBERRY, BEERS, CARPENTER, CHRISTENSEN, COLLINS, CONKLIN, GIUNCHIGLIANI, GRADY, GRIFFIN, HETTRICK, KNECHT, KOIVISTO, MANENDO, PARKS, PIERCE, SHERER AND WILLIAMS (BY REQUEST)

MARCH 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing criteria for determining qualification of bidders on public works of local governments. (BDR 28-747)

FISCAL NOTE: Effect on Local Government: Yes.
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; revising the provisions governing the criteria for determining the qualification of bidders on public works of local governments; 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.** NRS 338.1377 is hereby amended to read as
2 follows:
3 338.1377 ~~[+]~~ Except as otherwise provided in NRS
4 338.1383, the governing body of each local government that
5 sponsors or finances a public work shall adopt *by ordinance the*
6 *following* criteria for ~~[the qualification of bidders]~~ *determining*
7 *whether a person who has applied pursuant to NRS 338.1379 is*
8 *qualified to bid* on contracts for public works of the local
9 government ~~[The governing body shall use the criteria to determine~~
10 ~~the qualification of bidders on contracts for public works of the local~~
11 ~~government.~~



1 ~~2. Before adopting criteria pursuant to this section, the~~
2 ~~governing body of a local government shall hold at least one public~~
3 ~~hearing to solicit and evaluate public opinion regarding the criteria~~
4 ~~to be adopted. Notice of such a hearing must be provided by mail at~~
5 ~~least 10 days before the hearing to:~~
6 ~~(a) Construction trade associations in this state; and~~
7 ~~(b) Labor unions representing trades in the building industry in~~
8 ~~this state.~~
9 ~~3. The criteria adopted by a governing body pursuant to this~~
10 ~~section to determine whether an applicant is qualified to bid on a~~
11 ~~contract for a public work:~~
12 ~~(a) Must be adopted in such a form that the determination of~~
13 ~~whether an applicant is qualified to bid on a contract for a public~~
14 ~~work does not require or allow the exercise of discretion by any one~~
15 ~~person.~~
16 ~~(b) May include only:~~
17 ~~(1) The financial ability of the applicant to perform a~~
18 ~~contract;~~
19 ~~(2) The principal personnel of the applicant;~~
20 ~~(3)]:~~
21 *1. Whether the applicant possesses a valid contractor's*
22 *license of a class corresponding to the work to be required by the*
23 *local government;*
24 *2. Whether the applicant has the ability to obtain the*
25 *necessary bonding for the work to be required by the local*
26 *government;*
27 *3. Whether the applicant has successfully completed one or*
28 *more projects during the 5 years immediately preceding the date of*
29 *application of similar size, scope or type as the work to be required*
30 *by the local government;*
31 *4. Whether the principal personnel employed by the applicant*
32 *have the necessary professional qualifications and experience for*
33 *the work to be required by the local government;*
34 *5. Whether the applicant has breached any contracts with a*
35 *public agency or person in this state or any other state [; and*
36 ~~(4)] during the 5 years immediately preceding the date of~~
37 ~~application;~~
38 *6. Whether the applicant has been disqualified from being*
39 *awarded a contract pursuant to NRS 338.017 or 338.1387 [;];*
40 *7. Whether the applicant has been convicted of a violation for*
41 *discrimination in employment during the 2 years immediately*
42 *preceding the date of application;*
43 *8. Whether the applicant has the ability to obtain and*
44 *maintain insurance coverage for public liability and property*
45 *damage within limits sufficient to protect the applicant and all the*



- 1 *subcontractors of the applicant from claims for personal injury,*
- 2 *accidental death and damage to property that may arise in*
- 3 *connection with the work to be required by the local government;*
- 4 *9. Whether the applicant has established a safety program*
- 5 *that complies with the requirements of chapter 618 of NRS; and*
- 6 *10. Whether any complaints against the applicant have been*
- 7 *filed with and substantiated by the State Contractors' Board or*
- 8 *another state or federal agency that relate to the ability of the*
- 9 *applicant to perform the work to be required by the local*
- 10 *government.*

