

ASSEMBLY BILL NO. 86—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

FEBRUARY 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions concerning purchasing contracts
of certain local governments. (BDR 27-338)

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 purchasing by local governments; revising the
provisions pursuant to which certain local governments
advertise and award contracts; 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 332.036 is hereby amended to read as follows:
- 2 332.036 1. Except as otherwise provided by specific statute ~~f-~~
- 3 ~~—(a) If~~, *if* a local government ~~[that]~~ is located in a county whose
- 4 population is less than 100,000 ~~[has annual appropriated~~
- 5 ~~expenditures of \$1,000,000 or more, the]~~ *or if a local government is*
- 6 *a city whose population is less than 25,000 located in any county:*
- 7 (a) *The* governing body of the local government or its
- 8 authorized representative shall advertise all contracts for which the
- 9 estimated amount required to perform the contract exceeds
- 10 ~~[\$25,000.~~
- 11 ~~—(b) Except as otherwise provided in paragraph (d), such a]~~
- 12 ~~\$100,000.~~
- 13 (b) *The* governing body or its authorized representative may
- 14 enter into a contract of any nature without advertising if the



1 estimated amount required to perform the contract is ~~[\$25,000 or~~
2 ~~less.] less than \$10,000.~~

3 (c) If the estimated amount required to perform the contract is
4 ~~[more than \$5,000]~~ *\$10,000 or more* but not more than \$25,000, *the*
5 *governing body or its authorized representative must submit*
6 requests for bids ~~[must be submitted]~~ to two or more persons
7 capable of performing the contract, if available. The governing body
8 or its authorized representative shall maintain a record of all
9 requests for bids and all bids received for the contract for at least 7
10 years after the date on which the contract was executed.

11 (d) If the governing body or its authorized representative intends
12 to award a contract for which the estimated amount required to
13 perform the contract is more than ~~[\$10,000]~~ *\$25,000* but not more
14 than ~~[\$25,000.]~~ *\$100,000*, the governing body or its authorized
15 representative shall publish a notice that sets forth:

- 16 (1) The date on which the contract may be awarded;
- 17 (2) The estimated amount for which the contract may be
18 awarded;
- 19 (3) The general purpose for which the contract may be
20 awarded; and
- 21 (4) Information regarding the manner in which a contractor
22 may have his name placed on a list maintained by the local
23 government of properly licensed contractors who are interested
24 in receiving offers from the local government to bid on
25 contracts.

26 The notice required pursuant to this paragraph must be published in
27 a newspaper published and having general circulation within the
28 county wherein the local government, or a major portion thereof, is
29 situated. If no such newspaper is published in the county, then
30 publication must be in any newspaper published in the state having
31 general circulation in the county.

32 2. Nothing in this section prohibits a governing body *of a local*
33 *government described in subsection 1* or its authorized
34 representative from advertising for or requesting bids regardless of
35 the estimated amount to perform the contract.

36 **Sec. 2.** NRS 332.045 is hereby amended to read as follows:

37 332.045 1. The advertisement required by ~~[paragraph (a) of~~
38 ~~subsection 1 of NRS 332.035.]~~ paragraph (a) of subsection 1 of
39 NRS 332.036 and NRS 332.039 must be published at least once and
40 not less than 7 days before the opening of bids. The advertisement
41 must be by notice to bid, and must be published in a newspaper
42 published and having general circulation within the county wherein
43 the local government, or a major portion thereof, is situated. If no
44 such newspaper is published in the county, then publication must be



- 1 in any newspaper published in the state having general circulation in
- 2 the county.
- 3 2. The notice must state:
- 4 (a) The nature, character or object of the contract.
- 5 (b) If plans and specifications are to constitute part of the
- 6 contract, where the plans and specifications may be seen.
- 7 (c) The time and place where bids will be received and opened.
- 8 (d) Such other matters as may properly pertain to giving notice
- 9 to bid.
- 10 **Sec. 3.** NRS 332.035 is hereby repealed.

TEXT OF REPEALED SECTION

332.035 Contracts in county whose population is less than 100,000 and whose annual appropriated expenditures are less than \$1,000,000.

- 1. Except as otherwise provided by specific statute:
 - (a) If a local government that is located in a county whose population is less than 100,000 has annual appropriated expenditures of less than \$1,000,000, the governing body of the local government or its authorized representative shall advertise all contracts for which the estimated amount required to perform the contract exceeds \$10,000.
 - (b) Such a governing body or its authorized representative may enter into a contract of any nature without advertising if the estimated amount required to perform the contract is \$10,000 or less.
 - (c) If the estimated amount required to perform the contract is more than \$5,000 but not more than \$10,000, requests for bids must be submitted to two or more persons capable of performing the contract, if available. The governing body or its authorized representative shall maintain a permanent record of all requests for bids and all bids received.
- 2. Nothing in this section prohibits a governing body or its authorized representative from advertising for or requesting bids regardless of the estimated amount to perform the contract.

