

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 332.039 is hereby amended to read as follows:
2 332.039 1. Except as otherwise provided by specific statute:
3 (a) A governing body or its authorized representative ~~in a~~
4 ~~county whose population is 100,000 or more~~ shall advertise all
5 contracts for which the estimated amount required to perform the
6 contract exceeds \$25,000.
7 (b) ~~Such a~~ *A* governing body or its authorized representative
8 may enter into a contract of any nature without advertising if the
9 estimated amount required to perform the contract is \$25,000 or
10 less.
11 (c) If the estimated amount required to perform the contract is
12 more than \$10,000 but not more than \$25,000, requests for bids
13 must be submitted *by the governing body or its authorized*
14 *representative* to two or more persons capable of performing the
15 contract, if available. The governing body or its authorized



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1 representative shall maintain a record of all requests for bids and all
2 bids received *for the contract* for at least 7 years after the date of
3 execution of the contract.

4 2. This section does not prohibit a governing body or its
5 authorized representative from advertising for or requesting bids
6 regardless of the estimated amount to perform the contract.

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

8 332.045 1. The advertisement required by ~~paragraph (a) of~~
9 ~~subsection 1 of NRS 332.035,~~ paragraph (a) of subsection 1 of
10 ~~[NRS 332.036 and]~~ NRS 332.039 must be published at least once
11 and not less than 7 days before the opening of bids. The
12 advertisement must be by notice to bid, and must be published in a
13 newspaper published and having general circulation within the
14 county wherein the local government, or a major portion thereof, is
15 situated. If no such newspaper is published in the county, then
16 publication must be in any newspaper published in the state having
17 general circulation in the county.

18 2. The notice must state:

19 (a) The nature, character or object of the contract.

20 (b) If plans and specifications are to constitute part of the
21 contract, where the plans and specifications may be seen.

22 (c) The time and place where bids will be received and opened.

23 (d) Such other matters as may properly pertain to giving notice
24 to bid.

25 **Sec. 3.** NRS 332.035 and 332.036 are 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.

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

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 \$1,000,000 or more, 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 \$25,000.

(b) Except as otherwise provided in paragraph (d), 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 \$25,000 or less.

(c) If the estimated amount required to perform the contract is more than \$5,000 but not more than \$25,000, 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 record of all requests for bids and all bids received for the contract for at least 7 years after the date on which the contract was executed.

(d) If the governing body or its authorized representative intends to award a contract for which the estimated amount required to perform the contract is more than \$10,000 but not more than \$25,000, the governing body or its authorized representative shall publish a notice that sets forth:

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



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

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.

