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SENATE BILL NO. 19—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF LEGISLATIVE COMMITTEE TO STUDY  
COMPETITION BETWEEN LOCAL GOVERNMENTS  
AND PRIVATE ENTERPRISES)

PREFILED JANUARY 24, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to advertising and awarding contracts for certain smaller public works projects. (BDR 28-409)

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.

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AN ACT relating to public works; providing for an expedited process by which the State or local government solicits bids and awards contracts for certain smaller public works projects to properly licensed contractors or completes such projects itself; providing that such an expedited process does not relieve the State or a local government from duties relating to the qualification of bidders and the awarding of a contract to the contractor who submits the best bid; 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.** Chapter 338 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this  
3 act.  
4     **Sec. 2.** *If the estimated cost of a public work is \$100,000 or*  
5 *less, this state or a local government shall:*



- 1     1. Award a contract for the completion of the project to a  
2 properly licensed contractor in accordance with section 3 of this  
3 act; or  
4     2. Perform the project itself in accordance with section 4 of  
5 this act.
- 6     **Sec. 3. 1.** Before this state or a local government awards a  
7 contract for the completion of a public works project in  
8 accordance with subsection 1 of section 2 of this act, the State or  
9 the local government must:
- 10     (a) If the estimated cost of the public work is more than  
11 \$25,000 but not more than \$100,000, solicit bids from at least  
12 three properly licensed contractors; and  
13     (b) If the estimated cost of the public work is \$25,000 or less,  
14 solicit a bid from at least one properly licensed contractor.
- 15     2. Any bids received in response to a solicitation for bids  
16 made pursuant to this section may be rejected if the State or the  
17 local government determines:
- 18     (a) That the quality of the services, materials, equipment or  
19 labor offered does not conform to the approved plan or  
20 specifications; or  
21     (b) As evidenced in a detailed written explanation setting forth  
22 the reasons for the determination, that:
- 23         (1) The bidder is not responsive or responsible; or  
24         (2) The public interest would be served by such a rejection.
- 25     3. At least once each quarter, the State and each local  
26 government shall prepare a report detailing, for each public works  
27 project for which a contract for its completion is awarded  
28 pursuant to paragraph (a) of subsection 1, if any:
- 29     (a) The name of the contractor to whom the contract was  
30 awarded;  
31     (b) The amount of the contract awarded;  
32     (c) A brief description of the project; and  
33     (d) The names of all contractors from whom bids were  
34 solicited.
- 35     4. A report prepared pursuant to subsection 3 is a public  
36 record and must be maintained on file at the administrative offices  
37 of the applicable public body.
- 38     5. The provisions of this section do not relieve this state or a  
39 local government from the duty to award the contract for the  
40 public work to a bidder who:
- 41     (a) Is qualified pursuant to the applicable provisions of NRS  
42 338.1375 to 338.1383, inclusive; and  
43     (b) Submits the best bid, as determined pursuant to NRS  
44 338.1389, if bids are required to be solicited from more than one  
45 properly licensed contractor pursuant to subsection 1.



1     **Sec. 4. 1.** *Before this state or a local government*  
2 *commences work on a public works project that the State or the*  
3 *local government has elected to perform itself in accordance with*  
4 *subsection 2 of section 2 of this act, the State or the local*  
5 *government must, if the estimated cost of the public work is more*  
6 *than \$25,000 but not more than \$100,000, prepare a signed*  
7 *attestation regarding the decision of the State or the local*  
8 *government to perform the project itself.*

9     **2.** *An attestation prepared pursuant to subsection 1:*

10    **(a)** *Must set forth:*

11      **(1)** *The estimated cost of the project;*

12      **(2)** *A general statement as to why the State or the local*  
13 *government has decided to perform the project itself; and*

14      **(3)** *A general statement that the project will adhere to the*  
15 *same quality and standards as would be required of a properly*  
16 *licensed contractor if the project had been awarded to a properly*  
17 *licensed contractor;*

18    **(b)** *Is a public record and must be maintained on file at the*  
19 *administrative offices of the applicable public body.*

20     **Sec. 5.** *If the estimated cost of a public work is \$100,000 or*  
21 *less, a local government shall:*

22     **1.** *Award a contract for the completion of the project to a*  
23 *properly licensed contractor in accordance with section 6 of this*  
24 *act; or*

25     **2.** *Perform the project itself in accordance with section 7 of*  
26 *this act.*

27     **Sec. 6. 1.** *Before a local government awards a contract for*  
28 *the completion of a public works project in accordance with*  
29 *subsection 1 of section 5 of this act, the local government must:*

30      **(a)** *If the estimated cost of the public work is more than*  
31 *\$25,000 but not more than \$100,000, solicit bids from at least*  
32 *three properly licensed contractors; and*

33      **(b)** *If the estimated cost of the public work is \$25,000 or less,*  
34 *solicit a bid from at least one properly licensed contractor.*

35     **2.** *Any bids received in response to a solicitation for bids*  
36 *made pursuant to this section may be rejected if the local*  
37 *government determines:*

38      **(a)** *That the quality of the services, materials, equipment or*  
39 *labor offered does not conform to the approved plan or*  
40 *specifications; or*

41      **(b)** *As evidenced in a detailed written explanation setting forth*  
42 *the reasons for the determination, that:*

43          **(1)** *The bidder is not responsive or responsible; or*

44          **(2)** *The public interest would be served by such a rejection.*



1       3. *At least once each quarter, a local government shall*  
2 *prepare a report detailing, for each public works project for which*  
3 *a contract for its completion is awarded pursuant to paragraph (a)*  
4 *of subsection 1, if any:*

5       (a) *The name of the contractor to whom the contract was*  
6 *awarded;*

7       (b) *The amount of the contract awarded;*

8       (c) *A brief description of the project; and*

9       (d) *The names of all contractors from whom bids were*  
10 *solicited.*

11       4. *A report prepared pursuant to subsection 3 is a public*  
12 *record and must be maintained on file at the administrative offices*  
13 *of the applicable public body.*

14       5. *The provisions of this section do not relieve a local*  
15 *government from the duty to award the contract for the public*  
16 *work to a bidder who submits the best bid, as determined pursuant*  
17 *to NRS 338.147, if bids are required to be solicited from more than*  
18 *one properly licensed contractor pursuant to subsection 1 of this*  
19 *section.*

20       **Sec. 7. 1.** *Before a local government commences work on a*  
21 *public works project that the local government has elected to*  
22 *perform itself in accordance with subsection 2 of section 5 of this*  
23 *act, the local government must, if the estimated cost of the public*  
24 *work is more than \$25,000 but not more than \$100,000, prepare a*  
25 *signed attestation regarding the decision of the local government*  
26 *to perform the project itself.*

27       2. *An attestation prepared pursuant to subsection 1:*

28       (a) *Must set forth:*

29           (1) *The estimated cost of the project;*

30           (2) *A general statement as to why the local government has*  
31 *decided to perform the project itself; and*

32           (3) *A general statement that the project will adhere to the*  
33 *same quality and standards as would be required of a properly*  
34 *licensed contractor if the project had been awarded to a properly*  
35 *licensed contractor;*

36       (b) *Is a public record and must be maintained on file at the*  
37 *administrative offices of the applicable public body.*

38       **Sec. 8.** NRS 338.010 is hereby amended to read as follows:

39       338.010 As used in this chapter:

40       1. "Day labor" means all cases where public bodies, their  
41 officers, agents or employees, hire, supervise and pay the wages  
42 thereof directly to a workman or workmen employed by them on  
43 public works by the day and not under a contract in writing.



- 1     2. “Design-build contract” means a contract between a public  
2 body and a design-build team in which the design-build team agrees  
3 to design and construct a public work.
- 4     3. “Design-build team” means an entity that consists of:
  - 5       (a) At least one person who is licensed as a general engineering  
6 contractor or a general building contractor pursuant to chapter 624  
7 of NRS; and
  - 8       (b) For a public work that consists of:
    - 9           (1) A building and its site, at least one person who holds a  
10 certificate of registration to practice architecture pursuant to chapter  
11 623 of NRS.
    - 12           (2) Anything other than a building and its site, at least one  
13 person who holds a certificate of registration to practice architecture  
14 pursuant to chapter 623 of NRS or is licensed as a professional  
15 engineer pursuant to chapter 625 of NRS.
- 16     4. “Design professional” means:
  - 17       (a) A person who is licensed as a professional engineer pursuant  
18 to chapter 625 of NRS;
  - 19       (b) A person who is licensed as a professional land surveyor  
20 pursuant to chapter 625 of NRS;
  - 21       (c) A person who holds a certificate of registration to engage in  
22 the practice of architecture pursuant to chapter 623 of NRS;
  - 23       (d) A person who holds a certificate of registration to engage in  
24 the practice of landscape architecture pursuant to chapter 623A of  
25 NRS; or
  - 26       (e) A business entity that engages in the practice of professional  
27 engineering, land surveying, architecture or landscape architecture.
- 28     5. “Eligible bidder” means a person who is:
  - 29       (a) Found to be a responsible and responsive contractor by a  
30 local government which requests bids for a public work in  
31 accordance with paragraph (b) of subsection 1 of NRS 338.1373; or
  - 32       (b) Determined by a public body which awarded a contract for a  
33 public work pursuant to NRS 338.1375 to 338.139, inclusive, to be  
34 qualified to bid on that contract pursuant to NRS 338.1379 or was  
35 exempt from meeting such qualifications pursuant to NRS  
36 338.1383.
- 37     6. “General contractor” means a person who is licensed to  
38 conduct business in one, or both, of the following branches of the  
39 contracting business:
  - 40       (a) General engineering contracting, as described in subsection 2  
41 of NRS 624.215.
  - 42       (b) General building contracting, as described in subsection 3 of  
43 NRS 624.215.
- 44     7. “Local government” means every political subdivision or  
45 other entity which has the right to levy or receive money from ad



1 valorem or other taxes or any mandatory assessments, and includes,  
2 without limitation, counties, cities, towns, boards, school districts  
3 and other districts organized pursuant to chapters 244A, 309, 318,  
4 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,  
5 inclusive, and any agency or department of a county or city which  
6 prepares a budget separate from that of the parent political  
7 subdivision.

8 8. "Offense" means failing to:  
9 (a) Pay the prevailing wage required pursuant to this chapter;  
10 (b) Pay the contributions for unemployment compensation  
11 required pursuant to chapter 612 of NRS;  
12 (c) Provide and secure compensation for employees required  
13 pursuant to chapters 616A to 617, inclusive, of NRS; or  
14 (d) Comply with subsection 4 or 5 of NRS 338.070.

15 9. "Prime contractor" means a person who:  
16 (a) Contracts to construct an entire project;  
17 (b) Coordinates all work performed on the entire project;  
18 (c) Uses his own workforce to perform all or a part of the  
19 construction, repair or reconstruction of the project; and  
20 (d) Contracts for the services of any subcontractor or  
21 independent contractor or is responsible for payment to any  
22 contracted subcontractors or independent contractors.

23 The term includes, without limitation, a general contractor or a  
24 specialty contractor who is authorized to bid on a project pursuant to  
25 NRS 338.139 or 338.148.

26 10. "Public body" means the State, county, city, town, school  
27 district or any public agency of this state or its political subdivisions  
28 sponsoring or financing a public work.

29 11. "Public work" means any project for the new construction,  
30 repair or reconstruction of:

31 (a) A project financed in whole or in part from public money  
32 for:

- 33 (1) Public buildings;
- 34 (2) Jails and prisons;
- 35 (3) Public roads;
- 36 (4) Public highways;
- 37 (5) Public streets and alleys;
- 38 (6) Public utilities which are financed in whole or in part by  
39 public money;
- 40 (7) Publicly owned water mains and sewers;
- 41 (8) Public parks and playgrounds;
- 42 (9) Public convention facilities which are financed at least in  
43 part with public ~~funds;~~ **money;** and

44 (10) All other publicly owned works and property . ~~whose~~  
45 ~~cost as a whole exceeds \$20,000. Each separate unit that is a part of~~



1 ~~a project is included in the cost of the project to determine whether a~~  
2 ~~project meets that threshold.]~~

3 (b) A building for the University and Community College  
4 System of Nevada of which 25 percent or more of the costs of the  
5 building as a whole are paid from money appropriated by this state  
6 or from federal money.

7 12. "Specialty contractor" means a person who is licensed to  
8 conduct business as described in subsection 4 of NRS 624.215.

9 13. "Stand-alone underground utility project" means an  
10 underground utility project that is not integrated into a larger  
11 project, including, without limitation:

12 (a) An underground sewer line or an underground pipeline for  
13 the conveyance of water, including facilities appurtenant thereto;  
14 and

15 (b) A project for the construction or installation of a storm drain,  
16 including facilities appurtenant thereto,  
17 that is not located at the site of a public work for the design and  
18 construction of which a public body is authorized to contract with a  
19 design-build team pursuant to subsection 2 of NRS 338.1711.

20 14. "Wages" means:

21 (a) The basic hourly rate of pay; and

22 (b) The amount of pension, health and welfare, vacation and  
23 holiday pay, the cost of apprenticeship training or other similar  
24 programs or other bona fide fringe benefits which are a benefit to  
25 the workman.

26 15. "Workman" means a skilled mechanic, skilled workman,  
27 semiskilled mechanic, semiskilled workman or unskilled workman.  
28 The term does not include a design professional.

29 **Sec. 9.** NRS 338.1373 is hereby amended to read as follows:

30 338.1373 1. A local government shall award a contract for  
31 the construction, alteration or repair of a public work pursuant to the  
32 provisions of:

33 (a) NRS 338.1377 to 338.139, inclusive ~~[ ]~~, *and sections 2, 3*  
34 *and 4 of this act;* or

35 (b) NRS 338.143 to 338.148, inclusive ~~[ ]~~, *and sections 5, 6*  
36 *and 7 of this act.*

37 2. The provisions of NRS 338.1375 to 338.1383, inclusive, and  
38 338.139 do not apply with respect to contracts for the construction,  
39 reconstruction, improvement and maintenance of highways that are  
40 awarded by the Department of Transportation pursuant to NRS  
41 408.313 to 408.433, inclusive.

42 **Sec. 10.** NRS 338.1385 is hereby amended to read as follows:

43 338.1385 1. Except as otherwise provided in subsection ~~[ ]~~ **6**  
44 and NRS 338.1906 and 338.1907, this state, or a local government  
45 that awards a contract for the construction, alteration or repair of a



1 public work in accordance with paragraph (a) of subsection 1 of  
2 NRS 338.1373, or a public officer, public employee or other person  
3 responsible for awarding a contract for the construction, alteration  
4 or repair of a public work who represents the State or the local  
5 government, shall not:

6 (a) Commence such a project for which the estimated cost  
7 exceeds \$100,000 unless it advertises in a newspaper of general  
8 circulation in this state for bids for the project; ~~or~~

9 (b) *Commence such a project for which the estimated cost is*  
10 *\$100,000 or less unless it complies with the provisions of sections*  
11 *2, 3 and 4 of this act; or*

12 (c) Divide such a project into separate portions to avoid the  
13 requirements of paragraph (a) ~~f~~

14 ~~2. Except as otherwise provided in subsection 7, a public body~~  
15 ~~that maintains a list of properly licensed contractors who are~~  
16 ~~interested in receiving offers to bid on public works projects for~~  
17 ~~which the estimated cost is more than \$25,000 but less than~~  
18 ~~\$100,000 shall solicit bids from not more than three of the~~  
19 ~~contractors on the list for a contract of that value for the~~  
20 ~~construction, alteration or repair of a public work. The public body~~  
21 ~~shall select contractors from the list in such a manner as to afford~~  
22 ~~each contractor an equal opportunity to bid on a public works~~  
23 ~~project. A properly licensed contractor must submit a written~~  
24 ~~request annually to the public body to remain on the list. Offers for~~  
25 ~~bids which are made pursuant to this subsection must be sent by~~  
26 ~~certified mail.~~

27 ~~3.] or (b).~~

28 2. Each advertisement for bids must include a provision that  
29 sets forth:

30 (a) The requirement that a contractor must be qualified pursuant  
31 to NRS 338.1379 to bid on the contract or must be exempt from  
32 meeting such qualifications pursuant to NRS 338.1383; and

33 (b) The period during which an application to qualify as a bidder  
34 on the contract must be submitted.

35 ~~4.] 3.~~ Approved plans and specifications for the bids must be  
36 on file at a place and time stated in the advertisement for the  
37 inspection of all persons desiring to bid thereon and for other  
38 interested persons. Contracts for the project must be awarded on the  
39 basis of bids received.

40 ~~5.] 4.~~ Any bids received in response to an advertisement for  
41 bids may be rejected if the person responsible for awarding the  
42 contract determines that:

43 (a) The bidder is not a qualified bidder pursuant to NRS  
44 338.1379, unless the bidder is exempt from meeting such  
45 qualifications pursuant to NRS 338.1383;





- 1 (b) The bidder is not responsive ~~{}~~ *or responsible*;
- 2 (c) The quality of the services, materials, equipment or labor
- 3 offered does not conform to the approved plan or specifications; or
- 4 (d) The public interest would be served by such a rejection.

5 ~~{6.}~~ 5. Before the State or a local government may commence a  
6 project subject to the provisions of this section, based upon a  
7 determination that the public interest would be served by rejecting  
8 any bids received in response to an advertisement for bids, it shall  
9 prepare and make available for public inspection a written statement  
10 containing:

11 (a) A list of all persons, including supervisors, whom the State  
12 or the local government intends to assign to the project, together  
13 with their classifications and an estimate of the direct and indirect  
14 costs of their labor;

15 (b) A list of all equipment that the State or the local government  
16 intends to use on the project, together with an estimate of the  
17 number of hours each item of equipment will be used and the hourly  
18 cost to use each item of equipment;

19 (c) An estimate of the cost of administrative support for the  
20 persons assigned to the project;

21 (d) An estimate of the total cost of the project; and

22 (e) An estimate of the amount of money the State or the local  
23 government expects to save by rejecting the bids and performing the  
24 project itself.

25 ~~{7.}~~ 6. This section does not apply to:

26 (a) Any utility subject to the provisions of chapter 318 or 710 of  
27 NRS;

28 (b) Any work of construction, reconstruction, improvement and  
29 maintenance of highways subject to NRS 408.323 or 408.327;

30 (c) Normal maintenance of the property of a school district;

31 (d) The Las Vegas Valley Water District created pursuant to  
32 chapter 167, Statutes of Nevada 1947, the Moapa Valley Water  
33 District created pursuant to chapter 477, Statutes of Nevada 1983 or  
34 the Virgin Valley Water District created pursuant to chapter 100,  
35 Statutes of Nevada 1993; or

36 (e) The design and construction of a public work for which a  
37 public body contracts with a design-build team pursuant to NRS  
38 338.1711 to 338.1727.

39 **Sec. 11.** NRS 338.1385 is hereby amended to read as follows:

40 338.1385 1. Except as otherwise provided in subsection ~~{8.}~~  
41 7, this state, or a local government that awards a contract for the  
42 construction, alteration or repair of a public work in accordance with  
43 paragraph (a) of subsection 1 of NRS 338.1373, or a public officer,  
44 public employee or other person responsible for awarding a contract



1 for the construction, alteration or repair of a public work who  
2 represents the State or the local government, shall not:

3 (a) Commence such a project for which the estimated cost  
4 exceeds \$100,000 unless it advertises in a newspaper of general  
5 circulation in this state for bids for the project; ~~for~~

6 (b) *Commence such a project for which the estimated cost is*  
7 *\$100,000 or less unless it complies with the provisions of sections*  
8 *2, 3 and 4 of this act; or*

9 (c) Divide such a project into separate portions to avoid the  
10 requirements of paragraph (a) ~~;~~

11 ~~2. Except as otherwise provided in subsection 8, a public body~~  
12 ~~that maintains a list of properly licensed contractors who are~~  
13 ~~interested in receiving offers to bid on public works projects for~~  
14 ~~which the estimated cost is more than \$25,000 but less than~~  
15 ~~\$100,000 shall solicit bids from not more than three of the~~  
16 ~~contractors on the list for a contract of that value for the~~  
17 ~~construction, alteration or repair of a public work. The public body~~  
18 ~~shall select contractors from the list in such a manner as to afford~~  
19 ~~each contractor an equal opportunity to bid on a public works~~  
20 ~~project. A properly licensed contractor must submit a written~~  
21 ~~request annually to the public body to remain on the list. Offers for~~  
22 ~~bids which are made pursuant to this subsection must be sent by~~  
23 ~~certified mail.~~

24 ~~3.] or (b).~~

25 2. Each advertisement for bids must include a provision that  
26 sets forth:

27 (a) The requirement that a contractor must be qualified pursuant  
28 to NRS 338.1379 to bid on the contract or must be exempt from  
29 meeting such qualifications pursuant to NRS 338.1383; and

30 (b) The period during which an application to qualify as a bidder  
31 on the contract must be submitted.

32 ~~4.] 3.~~ Approved plans and specifications for the bids must be  
33 on file at a place and time stated in the advertisement for the  
34 inspection of all persons desiring to bid thereon and for other  
35 interested persons. Contracts for the project must be awarded on the  
36 basis of bids received.

37 ~~5.] 4.~~ Any bids received in response to an advertisement for  
38 bids may be rejected if the person responsible for awarding the  
39 contract determines that:

40 (a) The bidder is not a qualified bidder pursuant to NRS  
41 338.1379, unless the bidder is exempt from meeting such  
42 qualifications pursuant to NRS 338.1383;

43 (b) The bidder is not responsive ~~;~~ *or responsible;*

44 (c) The quality of the services, materials, equipment or labor  
45 offered does not conform to the approved plan or specifications; or



1 (d) The public interest would be served by such a rejection.  
2 ~~6.1~~ 5. Before the State or a local government may commence a  
3 project subject to the provisions of this section, based upon a  
4 determination that the public interest would be served by rejecting  
5 any bids received in response to an advertisement for bids, it shall  
6 prepare and make available for public inspection a written statement  
7 containing:

8 (a) A list of all persons, including supervisors, whom the State  
9 or the local government intends to assign to the project, together  
10 with their classifications and an estimate of the direct and indirect  
11 costs of their labor;

12 (b) A list of all equipment that the State or the local government  
13 intends to use on the project, together with an estimate of the  
14 number of hours each item of equipment will be used and the hourly  
15 cost to use each item of equipment;

16 (c) An estimate of the cost of administrative support for the  
17 persons assigned to the project;

18 (d) An estimate of the total cost of the project; and

19 (e) An estimate of the amount of money the State or the local  
20 government expects to save by rejecting the bids and performing the  
21 project itself.

22 ~~7.1~~ 6. In preparing the estimated cost of a project pursuant to  
23 subsection ~~6.1~~ 5, the State or a local government must include the  
24 fair market value of, or, if known, the actual cost of, all materials,  
25 supplies, labor and equipment to be used for the project.

26 ~~8.1~~ 7. This section does not apply to:

27 (a) Any utility subject to the provisions of chapter 318 or 710 of  
28 NRS;

29 (b) Any work of construction, reconstruction, improvement and  
30 maintenance of highways subject to NRS 408.323 or 408.327;

31 (c) Normal maintenance of the property of a school district; or

32 (d) The Las Vegas Valley Water District created pursuant to  
33 chapter 167, Statutes of Nevada 1947, the Moapa Valley Water  
34 District created pursuant to chapter 477, Statutes of Nevada 1983 or  
35 the Virgin Valley Water District created pursuant to chapter 100,  
36 Statutes of Nevada 1993; or

37 (e) The design and construction of a public work for which a  
38 public body contracts with a design-build team pursuant to NRS  
39 338.1711 to 338.1727, inclusive.

40 **Sec. 12.** NRS 338.1389 is hereby amended to read as follows:

41 338.1389 1. Except as otherwise provided in *sections 2 and 4*  
42 *of this act*, NRS 338.1385 and 338.1711 to 338.1727, inclusive, a  
43 public body shall award a contract for a public work to the  
44 contractor who submits the best bid.



1       2. Except as otherwise provided in subsection 10 or limited by  
2 subsection 11, for the purposes of this section, a contractor who:  
3       (a) Has been determined by the public body to be a qualified  
4 bidder pursuant to NRS 338.1379 or is exempt from meeting such  
5 requirements pursuant to NRS 338.1373 or 338.1383; and  
6       (b) At the time he submits his bid, provides to the public body a  
7 copy of a certificate of eligibility to receive a preference in bidding  
8 on public works issued to him by the State Contractors' Board  
9 pursuant to subsection 3 or 4,  
10 shall be deemed to have submitted a better bid than a competing  
11 contractor who has not provided a copy of such a valid certificate of  
12 eligibility if the amount of his bid is not more than 5 percent higher  
13 than the amount bid by the competing contractor.

14       3. The State Contractors' Board shall issue a certificate of  
15 eligibility to receive a preference in bidding on public works to a  
16 general contractor who is licensed pursuant to the provisions of  
17 chapter 624 of NRS and submits to the Board an affidavit from a  
18 certified public accountant setting forth that the general contractor  
19 has, while licensed as a general contractor in this state:  
20       (a) Paid directly, on his own behalf:  
21           (1) The sales and use taxes imposed pursuant to chapters  
22 372, 374 and 377 of NRS on materials used for construction in this  
23 state, including, without limitation, construction that is undertaken  
24 or carried out on land within the boundaries of this state that is  
25 managed by the Federal Government or is on an Indian reservation  
26 or Indian colony, of not less than \$5,000 for each consecutive  
27 12-month period for 60 months immediately preceding the  
28 submission of the affidavit from the certified public accountant;  
29           (2) The governmental services tax imposed pursuant to  
30 chapter 371 of NRS on the vehicles used in the operation of his  
31 business in this state of not less than \$5,000 for each consecutive  
32 12-month period for 60 months immediately preceding the  
33 submission of the affidavit from the certified public accountant; or  
34           (3) Any combination of such sales and use taxes and  
35 governmental services tax; or  
36       (b) Acquired, by purchase, inheritance, gift or transfer through a  
37 stock option plan, all the assets and liabilities of a viable, operating  
38 construction firm that possesses a:  
39           (1) License as a general contractor pursuant to the provisions  
40 of chapter 624 of NRS; and  
41           (2) Certificate of eligibility to receive a preference in bidding  
42 on public works.

43       4. The State Contractors' Board shall issue a certificate of  
44 eligibility to receive a preference in bidding on public works to a  
45 specialty contractor who is licensed pursuant to the provisions of



1 chapter 624 of NRS and submits to the Board an affidavit from a  
2 certified public accountant setting forth that the specialty contractor  
3 has, while licensed as a specialty contractor in this state:

4 (a) Paid directly, on his own behalf:

5 (1) The sales and use taxes pursuant to chapters 372, 374 and  
6 377 of NRS on materials used for construction in this state,  
7 including, without limitation, construction that is undertaken or  
8 carried out on land within the boundaries of this state that is  
9 managed by the Federal Government or is on an Indian reservation  
10 or Indian colony, of not less than \$5,000 for each consecutive  
11 12-month period for 60 months immediately preceding the  
12 submission of the affidavit from the certified public accountant;

13 (2) The governmental services tax imposed pursuant to  
14 chapter 371 of NRS on the vehicles used in the operation of his  
15 business in this state of not less than \$5,000 for each consecutive  
16 12-month period for 60 months immediately preceding the  
17 submission of the affidavit from the certified public accountant; or

18 (3) Any combination of such sales and use taxes and  
19 governmental services tax; or

20 (b) Acquired, by purchase, inheritance, gift or transfer through a  
21 stock option plan, all the assets and liabilities of a viable, operating  
22 construction firm that possesses a:

23 (1) License as a specialty contractor pursuant to the  
24 provisions of chapter 624 of NRS; and

25 (2) Certificate of eligibility to receive a preference in bidding  
26 on public works.

27 5. For the purposes of complying with the requirements set  
28 forth in paragraph (a) of subsection 3 and paragraph (a) of  
29 subsection 4, a contractor shall be deemed to have paid:

30 (a) Sales and use taxes and governmental services taxes that  
31 were paid in this state by an affiliate or parent company of the  
32 contractor, if the affiliate or parent company is also a general  
33 contractor or specialty contractor, as applicable; and

34 (b) Sales and use taxes that were paid in this state by a joint  
35 venture in which the contractor is a participant, in proportion to the  
36 amount of interest the contractor has in the joint venture.

37 6. A contractor who has received a certificate of eligibility to  
38 receive a preference in bidding on public works from the State  
39 Contractors' Board pursuant to subsection 3 or 4 shall, at the time  
40 for the annual renewal of his contractor's license pursuant to NRS  
41 624.283, submit to the Board an affidavit from a certified public  
42 accountant setting forth that the contractor has, during the  
43 immediately preceding 12 months, paid the taxes required pursuant  
44 to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as  
45 applicable, to maintain his eligibility to hold such a certificate.



1 7. A contractor who fails to submit an affidavit to the Board  
2 pursuant to subsection 6 ceases to be eligible to receive a preference  
3 in bidding on public works unless he reappplies for and receives a  
4 certificate of eligibility pursuant to subsection 3 or 4, as applicable.

5 8. If a contractor holds more than one contractor's license, he  
6 must submit a separate application for each license pursuant to  
7 which he wishes to qualify for a preference in bidding. Upon  
8 issuance, the certificate of eligibility to receive a preference in  
9 bidding on public works becomes part of the contractor's license for  
10 which the contractor submitted the application.

11 9. If a contractor who applies to the State Contractors' Board  
12 for a certificate of eligibility to receive a preference in bidding on  
13 public works submits false information to the Board regarding the  
14 required payment of taxes, the contractor is not eligible to receive a  
15 preference in bidding on public works for a period of 5 years after  
16 the date on which the Board becomes aware of the submission of the  
17 false information.

18 10. If any federal statute or regulation precludes the granting of  
19 federal assistance or reduces the amount of that assistance for a  
20 particular public work because of the provisions of subsection 2,  
21 those provisions do not apply insofar as their application would  
22 preclude or reduce federal assistance for that work. The provisions  
23 of subsection 2 do not apply to any contract for a public work which  
24 is expected to cost less than \$250,000.

25 11. If a bid is submitted by two or more contractors as a joint  
26 venture or by one of them as a joint venturer, the provisions of  
27 subsection 2 apply only if both or all of the joint venturers  
28 separately meet the requirements of that subsection.

29 12. The State Contractors' Board shall adopt regulations and  
30 may assess reasonable fees relating to the certification of contractors  
31 for a preference in bidding on public works.

32 13. A person or entity who believes that a contractor  
33 wrongfully holds a certificate of eligibility to receive a preference in  
34 bidding on public works may challenge the validity of the certificate  
35 by filing a written objection with the public body to which the  
36 contractor has submitted a bid or proposal on a contract for the  
37 construction of a public work. A written objection authorized  
38 pursuant to this subsection must:

39 (a) Set forth proof or substantiating evidence to support the  
40 belief of the person or entity that the contractor wrongfully holds a  
41 certificate of eligibility to receive a preference in bidding on public  
42 works; and

43 (b) Be filed with the public body at or after the time at which the  
44 contractor submitted the bid or proposal to the public body and



1 before the time at which the public body awards the contract for  
2 which the bid or proposal was submitted.

3 14. If a public body receives a written objection pursuant to  
4 subsection 13, the public body shall determine whether the objection  
5 is accompanied by the proof or substantiating evidence required  
6 pursuant to paragraph (a) of that subsection. If the public body  
7 determines that the objection is not accompanied by the required  
8 proof or substantiating evidence, the public body shall dismiss the  
9 objection and may proceed immediately to award the contract. If the  
10 public body determines that the objection is accompanied by the  
11 required proof or substantiating evidence, the public body shall  
12 determine whether the contractor qualifies for the certificate  
13 pursuant to the provisions of this section and may proceed to award  
14 the contract accordingly.

15 **Sec. 13.** NRS 338.143 is hereby amended to read as follows:

16 338.143 1. Except as otherwise provided in subsection ~~6~~ 5  
17 and NRS 338.1907, a local government that awards a contract for  
18 the construction, alteration or repair of a public work in accordance  
19 with paragraph (b) of subsection 1 of NRS 338.1373, or a public  
20 officer, public employee or other person responsible for awarding a  
21 contract for the construction, alteration or repair of a public work  
22 who represents that local government, shall not:

23 (a) Commence such a project for which the estimated cost  
24 exceeds \$100,000 unless it advertises in a newspaper of general  
25 circulation in this state for bids for the project; ~~for~~

26 (b) *Commence such a project for which the estimated cost is*  
27 *\$100,000 or less unless it complies with the provisions of sections*  
28 *5, 6 and 7 of this act; or*

29 (c) Divide such a project into separate portions to avoid the  
30 requirements of paragraph (a) ~~f~~

31 ~~2. Except as otherwise provided in subsection 6, a local~~  
32 ~~government that maintains a list of properly licensed contractors~~  
33 ~~who are interested in receiving offers to bid on public works~~  
34 ~~projects for which the estimated cost is more than \$25,000 but less~~  
35 ~~than \$100,000 shall solicit bids from not more than three of the~~  
36 ~~contractors on the list for a contract of that value for the~~  
37 ~~construction, alteration or repair of a public work. The local~~  
38 ~~government shall select contractors from the list in such a manner as~~  
39 ~~to afford each contractor an equal opportunity to bid on a public~~  
40 ~~works project. A properly licensed contractor must submit a written~~  
41 ~~request annually to the local government to remain on the list.~~  
42 ~~Offers for bids which are made pursuant to this subsection must be~~  
43 ~~sent by certified mail.~~

44 ~~3.] or (b).~~



1 2. Approved plans and specifications for the bids must be on  
2 file at a place and time stated in the advertisement for the inspection  
3 of all persons desiring to bid thereon and for other interested  
4 persons. Contracts for the project must be awarded on the basis of  
5 bids received.

6 ~~4.1~~ 3. Any bids received in response to an advertisement for  
7 bids may be rejected if the person responsible for awarding the  
8 contract determines that:

- 9 (a) The bidder is not responsive or responsible;
- 10 (b) The quality of the services, materials, equipment or labor  
11 offered does not conform to the approved plan or specifications; or
- 12 (c) The public interest would be served by such a rejection.

13 ~~5.1~~ 4. Before a local government may commence a project  
14 subject to the provisions of this section, based upon a determination  
15 that the public interest would be served by rejecting any bids  
16 received in response to an advertisement for bids, it shall prepare  
17 and make available for public inspection a written statement  
18 containing:

- 19 (a) A list of all persons, including supervisors, whom the local  
20 government intends to assign to the project, together with their  
21 classifications and an estimate of the direct and indirect costs of  
22 their labor;
- 23 (b) A list of all equipment that the local government intends to  
24 use on the project, together with an estimate of the number of hours  
25 each item of equipment will be used and the hourly cost to use each  
26 item of equipment;
- 27 (c) An estimate of the cost of administrative support for the  
28 persons assigned to the project;
- 29 (d) An estimate of the total cost of the project; and
- 30 (e) An estimate of the amount of money the local government  
31 expects to save by rejecting the bids and performing the project  
32 itself.

33 ~~6.1~~ 5. This section does not apply to:

- 34 (a) Any utility subject to the provisions of chapter 318 or 710 of  
35 NRS;
- 36 (b) Any work of construction, reconstruction, improvement and  
37 maintenance of highways subject to NRS 408.323 or 408.327;
- 38 (c) Normal maintenance of the property of a school district;
- 39 (d) The Las Vegas Valley Water District created pursuant to  
40 chapter 167, Statutes of Nevada 1947, the Moapa Valley Water  
41 District created pursuant to chapter 477, Statutes of Nevada 1983 or  
42 the Virgin Valley Water District created pursuant to chapter 100,  
43 Statutes of Nevada 1993; or





1 (e) The design and construction of a public work for which a  
2 public body contracts with a design-build team pursuant to NRS  
3 338.1711 to 338.1727, inclusive.

4 **Sec. 14.** NRS 338.143 is hereby amended to read as follows:

5 338.143 1. Except as otherwise provided in subsection ~~[7.]~~ **6,**  
6 a local government that awards a contract for the construction,  
7 alteration or repair of a public work in accordance with paragraph  
8 (b) of subsection 1 of NRS 338.1373, or a public officer, public  
9 employee or other person responsible for awarding a contract for the  
10 construction, alteration or repair of a public work who represents  
11 that local government, shall not:

12 (a) Commence such a project for which the estimated cost  
13 exceeds \$100,000 unless it advertises in a newspaper of general  
14 circulation in this state for bids for the project; ~~[or]~~

15 (b) *Commence such a project for which the estimated cost is*  
16 *\$100,000 or less unless it complies with the provisions of sections*  
17 *5, 6 and 7 of this act; or*

18 (c) Divide such a project into separate portions to avoid the  
19 requirements of paragraph (a) ~~f-~~

20 ~~—2. Except as otherwise provided in subsection 7, a local~~  
21 ~~government that maintains a list of properly licensed contractors~~  
22 ~~who are interested in receiving offers to bid on public works~~  
23 ~~projects for which the estimated cost is more than \$25,000 but less~~  
24 ~~than \$100,000 shall solicit bids from not more than three of the~~  
25 ~~contractors on the list for a contract of that value for the~~  
26 ~~construction, alteration or repair of a public work. The local~~  
27 ~~government shall select contractors from the list in such a manner as~~  
28 ~~to afford each contractor an equal opportunity to bid on a public~~  
29 ~~works project. A properly licensed contractor must submit a written~~  
30 ~~request annually to the local government to remain on the list.~~  
31 ~~Offers for bids which are made pursuant to this subsection must be~~  
32 ~~sent by certified mail.~~

33 ~~—3.] or (b).~~

34 **2.** Approved plans and specifications for the bids must be on  
35 file at a place and time stated in the advertisement for the inspection  
36 of all persons desiring to bid thereon and for other interested  
37 persons. Contracts for the project must be awarded on the basis of  
38 bids received.

39 ~~[4.]~~ **3.** Any bids received in response to an advertisement for  
40 bids may be rejected if the person responsible for awarding the  
41 contract determines that:

- 42 (a) The bidder is not responsive or responsible;
- 43 (b) The quality of the services, materials, equipment or labor  
44 offered does not conform to the approved plan or specifications; or
- 45 (c) The public interest would be served by such a rejection.



1 ~~[5.]~~ 4. Before a local government may commence a project  
2 subject to the provisions of this section, based upon a determination  
3 that the public interest would be served by rejecting any bids  
4 received in response to an advertisement for bids, it shall prepare  
5 and make available for public inspection a written statement  
6 containing:

7 (a) A list of all persons, including supervisors, whom the local  
8 government intends to assign to the project, together with their  
9 classifications and an estimate of the direct and indirect costs of  
10 their labor;

11 (b) A list of all equipment that the local government intends to  
12 use on the project, together with an estimate of the number of hours  
13 each item of equipment will be used and the hourly cost to use each  
14 item of equipment;

15 (c) An estimate of the cost of administrative support for the  
16 persons assigned to the project;

17 (d) An estimate of the total cost of the project; and

18 (e) An estimate of the amount of money the local government  
19 expects to save by rejecting the bids and performing the project  
20 itself.

21 ~~[6.]~~ 5. In preparing the estimated cost of a project pursuant to  
22 subsection ~~[5.]~~ 4, a local government must include the fair market  
23 value of, or, if known, the actual cost of, all materials, supplies,  
24 labor and equipment to be used for the project.

25 ~~[7.]~~ 6. This section does not apply to:

26 (a) Any utility subject to the provisions of chapter 318 or 710 of  
27 NRS;

28 (b) Any work of construction, reconstruction, improvement and  
29 maintenance of highways subject to NRS 408.323 or 408.327;

30 (c) Normal maintenance of the property of a school district;

31 (d) The Las Vegas Valley Water District created pursuant to  
32 chapter 167, Statutes of Nevada 1947, the Moapa Valley Water  
33 District created pursuant to chapter 477, Statutes of Nevada 1983 or  
34 the Virgin Valley Water District created pursuant to chapter 100,  
35 Statutes of Nevada 1993; or

36 (e) The design and construction of a public work for which a  
37 public body contracts with a design-build team pursuant to NRS  
38 338.1711 to 338.1727, inclusive.

39 **Sec. 15.** NRS 338.147 is hereby amended to read as follows:

40 338.147 1. Except as otherwise provided in *sections 5 and 7*  
41 *of this act*, NRS 338.143 and 338.1711 to 338.1727, inclusive, a  
42 local government shall award a contract for a public work to the  
43 contractor who submits the best bid.

44 2. Except as otherwise provided in subsection 10 or limited by  
45 subsection 11, for the purposes of this section, a contractor who:



1 (a) Has been found to be a responsible and responsive contractor  
2 by the local government; and  
3 (b) At the time he submits his bid, provides to the local  
4 government a copy of a certificate of eligibility to receive a  
5 preference in bidding on public works issued to him by the State  
6 Contractors' Board pursuant to subsection 3 or 4,  
7 shall be deemed to have submitted a better bid than a competing  
8 contractor who has not provided a copy of such a valid certificate of  
9 eligibility if the amount of his bid is not more than 5 percent higher  
10 than the amount bid by the competing contractor.

11 3. The State Contractors' Board shall issue a certificate of  
12 eligibility to receive a preference in bidding on public works to a  
13 general contractor who is licensed pursuant to the provisions of  
14 chapter 624 of NRS and submits to the Board an affidavit from a  
15 certified public accountant setting forth that the general contractor  
16 has, while licensed as a general contractor in this state:

17 (a) Paid directly, on his own behalf:

18 (1) The sales and use taxes imposed pursuant to chapters  
19 372, 374 and 377 of NRS on materials used for construction in this  
20 state, including, without limitation, construction that is undertaken  
21 or carried out on land within the boundaries of this state that is  
22 managed by the Federal Government or is on an Indian reservation  
23 or Indian colony, of not less than \$5,000 for each consecutive  
24 12-month period for 60 months immediately preceding the  
25 submission of the affidavit from the certified public accountant;

26 (2) The governmental services tax imposed pursuant to  
27 chapter 371 of NRS on the vehicles used in the operation of his  
28 business in this state of not less than \$5,000 for each consecutive  
29 12-month period for 60 months immediately preceding the  
30 submission of the affidavit from the certified public accountant; or  
31 (3) Any combination of such sales and use taxes and  
32 governmental services tax; or

33 (b) Acquired, by purchase, inheritance, gift or transfer through a  
34 stock option plan, all the assets and liabilities of a viable, operating  
35 construction firm that possesses a:

36 (1) License as a general contractor pursuant to the provisions  
37 of chapter 624 of NRS; and  
38 (2) Certificate of eligibility to receive a preference in bidding  
39 on public works.

40 4. The State Contractors' Board shall issue a certificate of  
41 eligibility to receive a preference in bidding on public works to a  
42 specialty contractor who is licensed pursuant to the provisions of  
43 chapter 624 of NRS and submits to the Board an affidavit from a  
44 certified public accountant setting forth that the specialty contractor  
45 has, while licensed as a specialty contractor in this state:



1 (a) Paid directly, on his own behalf:

2 (1) The sales and use taxes pursuant to chapters 372, 374 and  
3 377 of NRS on materials used for construction in this state,  
4 including, without limitation, construction that is undertaken or  
5 carried out on land within the boundaries of this state that is  
6 managed by the Federal Government or is on an Indian reservation  
7 or Indian colony, of not less than \$5,000 for each consecutive  
8 12-month period for 60 months immediately preceding the  
9 submission of the affidavit from the certified public accountant;

10 (2) The governmental services tax imposed pursuant to  
11 chapter 371 of NRS on the vehicles used in the operation of his  
12 business in this state of not less than \$5,000 for each consecutive  
13 12-month period for 60 months immediately preceding the  
14 submission of the affidavit from the certified public accountant; or

15 (3) Any combination of such sales and use taxes and  
16 governmental services tax; or

17 (b) Acquired, by purchase, inheritance, gift or transfer through a  
18 stock option plan, all the assets and liabilities of a viable, operating  
19 construction firm that possesses a:

20 (1) License as a specialty contractor pursuant to the  
21 provisions of chapter 624 of NRS; and

22 (2) Certificate of eligibility to receive a preference in bidding  
23 on public works.

24 5. For the purposes of complying with the requirements set  
25 forth in paragraph (a) of subsection 3 and paragraph (a) of  
26 subsection 4, a contractor shall be deemed to have paid:

27 (a) Sales and use taxes and governmental services taxes paid in  
28 this state by an affiliate or parent company of the contractor, if the  
29 affiliate or parent company is also a general contractor or specialty  
30 contractor, as applicable; and

31 (b) Sales and use taxes paid in this state by a joint venture in  
32 which the contractor is a participant, in proportion to the amount of  
33 interest the contractor has in the joint venture.

34 6. A contractor who has received a certificate of eligibility to  
35 receive a preference in bidding on public works from the State  
36 Contractors' Board pursuant to subsection 3 or 4 shall, at the time  
37 for the annual renewal of his contractor's license pursuant to NRS  
38 624.283, submit to the Board an affidavit from a certified public  
39 accountant setting forth that the contractor has, during the  
40 immediately preceding 12 months, paid the taxes required pursuant  
41 to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as  
42 applicable, to maintain his eligibility to hold such a certificate.

43 7. A contractor who fails to submit an affidavit to the Board  
44 pursuant to subsection 6 ceases to be eligible to receive a preference



1 in bidding on public works unless he reapplies for and receives a  
2 certificate of eligibility pursuant to subsection 3 or 4, as applicable.

3 8. If a contractor holds more than one contractor's license, he  
4 must submit a separate application for each license pursuant to  
5 which he wishes to qualify for a preference in bidding. Upon  
6 issuance, the certificate of eligibility to receive a preference in  
7 bidding on public works becomes part of the contractor's license for  
8 which the contractor submitted the application.

9 9. If a contractor who applies to the State Contractors' Board  
10 for a certificate of eligibility to receive a preference in bidding on  
11 public works submits false information to the Board regarding the  
12 required payment of taxes, the contractor is not eligible to receive a  
13 preference in bidding on public works for a period of 5 years after  
14 the date on which the Board becomes aware of the submission of the  
15 false information.

16 10. If any federal statute or regulation precludes the granting of  
17 federal assistance or reduces the amount of that assistance for a  
18 particular public work because of the provisions of subsection 2,  
19 those provisions do not apply insofar as their application would  
20 preclude or reduce federal assistance for that work. The provisions  
21 of subsection 2 do not apply to any contract for a public work which  
22 is expected to cost less than \$250,000.

23 11. If a bid is submitted by two or more contractors as a joint  
24 venture or by one of them as a joint venturer, the provisions of  
25 subsection 2 apply only if both or all of the joint venturers  
26 separately meet the requirements of that subsection.

27 12. The State Contractors' Board shall adopt regulations and  
28 may assess reasonable fees relating to the certification of contractors  
29 for a preference in bidding on public works.

30 13. A person or entity who believes that a contractor  
31 wrongfully holds a certificate of eligibility to receive a preference in  
32 bidding on public works may challenge the validity of the certificate  
33 by filing a written objection with the public body to which the  
34 contractor has submitted a bid or proposal on a contract for the  
35 completion of a public work. A written objection authorized  
36 pursuant to this subsection must:

37 (a) Set forth proof or substantiating evidence to support the  
38 belief of the person or entity that the contractor wrongfully holds a  
39 certificate of eligibility to receive a preference in bidding on public  
40 works; and

41 (b) Be filed with the public body at or after the time at which the  
42 contractor submitted the bid or proposal to the public body and  
43 before the time at which the public body awards the contract for  
44 which the bid or proposal was submitted.



1 14. If a public body receives a written objection pursuant to  
2 subsection 13, the public body shall determine whether the objection  
3 is accompanied by the proof or substantiating evidence required  
4 pursuant to paragraph (a) of that subsection. If the public body  
5 determines that the objection is not accompanied by the required  
6 proof or substantiating evidence, the public body shall dismiss the  
7 objection and may proceed immediately to award the contract. If the  
8 public body determines that the objection is accompanied by the  
9 required proof or substantiating evidence, the public body shall  
10 determine whether the contractor qualifies for the certificate  
11 pursuant to the provisions of this section and may proceed to award  
12 the contract accordingly.

13 **Sec. 16.** NRS 341.148 is hereby amended to read as follows:

14 341.148 ~~{1. Except as otherwise provided in subsection 2, the~~  
15 ~~Board shall advertise in a newspaper of general circulation in the~~  
16 ~~State of Nevada for separate sealed bids for each construction~~  
17 ~~project. Approved plans and specifications for the construction must~~  
18 ~~be on file at a place and time stated in the advertisement for the~~  
19 ~~inspection of all persons desiring to bid thereon and for other~~  
20 ~~interested persons.}~~ The Board may accept bids on either the whole  
21 or a part of the construction, equipment and furnishings ~~{}~~ *of a*  
22 *construction project* and may let separate contracts for different and  
23 separate portions of any project, or a combination contract for  
24 structural, mechanical and electrical construction if savings will  
25 result to the lowest responsible and responsive bidder.

26 ~~{2. The Board is not required to advertise for sealed bids for~~  
27 ~~construction projects if the estimated cost is less than \$25,000, but~~  
28 ~~the Board may solicit firm written bids from not less than two~~  
29 ~~licensed contractors doing business in the area and may award the~~  
30 ~~contract to the lowest responsible and responsive bidder or reject all~~  
31 ~~bids.}~~

32 **Sec. 17.** NRS 341.166 is hereby amended to read as follows:

33 341.166 1. The Board may, with the approval of the Interim  
34 Finance Committee when the Legislature is not in regular or special  
35 session, or with the approval of the Legislature by concurrent  
36 resolution when the Legislature is in regular or special session, enter  
37 into a contract for services with a contractor licensed pursuant to  
38 chapter 624 of NRS to assist the Board:

39 (a) In the development of designs, plans, specifications and  
40 estimates of costs for a proposed construction project.

41 (b) In the review of designs, plans, specifications and estimates  
42 of costs for a proposed construction project to ensure that the  
43 designs, plans, specifications and estimates of costs are complete  
44 and that the project is feasible to construct.



- 1     2. The Board is not required to advertise for bids for a contract  
2 for services pursuant to subsection 1, but may solicit bids from not  
3 fewer than three licensed contractors and may award the contract to  
4 the lowest responsible and responsive bidder.
- 5     3. The Board shall adopt regulations establishing procedures  
6 for:
- 7       (a) The determination of the qualifications of contractors to bid  
8 for the contracts for services described in subsection 1.
- 9       (b) The bidding and awarding of such contracts.
- 10    4. If a proposed construction project for which a contractor is  
11 awarded a contract for services by the Board pursuant to subsection  
12 1 is advertised pursuant to NRS ~~341.148,~~ **338.1385**, that contractor  
13 may submit a bid for the contract for the proposed construction  
14 project if he is qualified pursuant to NRS ~~338.1377,~~ **338.1375**.
- 15    **Sec. 18.** 1. This section and sections 1 to 10, inclusive, 12,  
16 13, 15, 16 and 17 of this act become effective on October 1, 2003.
- 17       2. Sections 10 and 13 of this act expire by limitation on April  
18 30, 2013.
- 19       3. Sections 11 and 14 of this act become effective at 12:01 a.m.  
20 on May 1, 2013.

