

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.

AN ACT relating to public works; providing for an expedited
process by which the State or a 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 certain duties; 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:*
6 1. *Award a contract for the completion of the project to a*
7 *properly licensed contractor in accordance with section 3 of this*
8 *act; or*



* S B 1 9 R 2 *

1 2. *Perform the project itself in accordance with section 4 of*
2 *this act.*

3 **Sec. 3. 1.** *Before this state or a local government awards a*
4 *contract for the completion of a public works project in*
5 *accordance with subsection 1 of section 2 of this act, the State or*
6 *the local government must:*

7 (a) *If the estimated cost of the public work is more than*
8 *\$25,000 but not more than \$100,000, solicit bids from at least*
9 *three properly licensed contractors; and*

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

12 2. *Any bids received in response to a solicitation for bids*
13 *made pursuant to this section may be rejected if the State or the*
14 *local government determines that:*

15 (a) *The quality of the services, materials, equipment or labor*
16 *offered does not conform to the approved plan or specifications;*

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

18 (c) *The public interest would be served by such a rejection.*

19 3. *At least once each quarter, the State and each local*
20 *government shall prepare a report detailing, for each public works*
21 *project over \$25,000 for which a contract for its completion is*
22 *awarded pursuant to paragraph (a) of subsection 1, if any:*

23 (a) *The name of the contractor to whom the contract was*
24 *awarded;*

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

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

27 (d) *The names of all contractors from whom bids were*
28 *solicited.*

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

32 5. *The provisions of this section do not relieve this state from*
33 *the duty to award the contract for the public work to a bidder who*
34 *is:*

35 (a) *Qualified pursuant to the applicable provisions of NRS*
36 *338.1375 to 338.1383, inclusive; and*

37 (b) *The lowest responsive and responsible bidder, if bids are*
38 *required to be solicited from more than one properly licensed*
39 *contractor pursuant to subsection 1.*

40 **Sec. 4. 1.** *If the State or a local government proposes to*
41 *perform a public works project itself in accordance with*
42 *subsection 2 of section 2 of this act, the public officer responsible*
43 *for the management of the public works projects of the State or the*
44 *local government, as applicable, must, if the estimated cost of the*
45 *public work is more than \$25,000 but not more than \$100,000 and*



1 *before work on the project is commenced, prepare a signed*
2 *attestation regarding the decision of the State or the local*
3 *government to perform the project itself.*

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

5 *(a) Must set forth:*

- 6 *(1) The estimated cost of the project;*
7 *(2) A general statement as to why the State or the local*
8 *government has decided to perform the project itself; and*
9 *(3) A general statement that the project will adhere to the*
10 *same quality and standards as would be required of a properly*
11 *licensed contractor if the project had been awarded to a properly*
12 *licensed contractor;*

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

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

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

20 *2. Perform the project itself in accordance with section 7 of*
21 *this act.*

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

25 *(a) If the estimated cost of the public work is more than*
26 *\$25,000 but not more than \$100,000, solicit bids from at least*
27 *three properly licensed contractors; and*

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

30 *2. Any bids received in response to a solicitation for bids*
31 *made pursuant to this section may be rejected if the local*
32 *government determines that:*

33 *(a) The quality of the services, materials, equipment or labor*
34 *offered does not conform to the approved plan or specifications;*

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

36 *(c) The public interest would be served by such a rejection.*

37 *3. At least once each quarter, a local government shall*
38 *prepare a report detailing, for each public works project over*
39 *\$25,000 for which a contract for its completion is awarded*
40 *pursuant to paragraph (a) of subsection 1, if any:*

41 *(a) The name of the contractor to whom the contract was*
42 *awarded;*

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

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



1 *(d) The names of all contractors from whom bids were*
2 *solicited.*

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

6 *5. The provisions of this section do not relieve a local*
7 *government from the duty to award the contract for the public*
8 *work to a bidder who is the lowest responsive and responsible*
9 *bidder, if bids are required to be solicited from more than one*
10 *properly licensed contractor pursuant to subsection 1 of this*
11 *section.*

12 **Sec. 7. 1.** *If a local government proposes to perform a*
13 *public works project itself in accordance with subsection 2 of*
14 *section 5 of this act, the public officer responsible for the*
15 *management of the public works projects of the local government*
16 *must, if the estimated cost of the public work is more than \$25,000*
17 *but not more than \$100,000 and before work on the project is*
18 *commenced, prepare a signed attestation regarding the decision of*
19 *the local government to perform the project itself.*

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

21 **(a)** *Must set forth:*

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

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

25 **(3)** *A general statement that the project will adhere to the*
26 *same quality and standards as would be required of a properly*
27 *licensed contractor if the project had been awarded to a properly*
28 *licensed contractor;*

29 **(b)** *Is a public record and must be maintained on file at the*
30 *administrative offices of the local government.*

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

32 **338.010** *As used in this chapter:*

33 **1.** *“Day labor” means all cases where public bodies, their*
34 *officers, agents or employees, hire, supervise and pay the wages*
35 *thereof directly to a workman or workmen employed by them on*
36 *public works by the day and not under a contract in writing.*

37 **2.** *“Design-build contract” means a contract between a public*
38 *body and a design-build team in which the design-build team agrees*
39 *to design and construct a public work.*

40 **3.** *“Design-build team” means an entity that consists of:*

41 **(a)** *At least one person who is licensed as a general engineering*
42 *contractor or a general building contractor pursuant to chapter 624*
43 *of NRS; and*

44 **(b)** *For a public work that consists of:*



- 1 (1) A building and its site, at least one person who holds a
2 certificate of registration to practice architecture pursuant to chapter
3 623 of NRS.
- 4 (2) Anything other than a building and its site, at least one
5 person who holds a certificate of registration to practice architecture
6 pursuant to chapter 623 of NRS or is licensed as a professional
7 engineer pursuant to chapter 625 of NRS.
- 8 4. "Design professional" means:
 - 9 (a) A person who is licensed as a professional engineer pursuant
10 to chapter 625 of NRS;
 - 11 (b) A person who is licensed as a professional land surveyor
12 pursuant to chapter 625 of NRS;
 - 13 (c) A person who holds a certificate of registration to engage in
14 the practice of architecture pursuant to chapter 623 of NRS;
 - 15 (d) A person who holds a certificate of registration to engage in
16 the practice of landscape architecture pursuant to chapter 623A of
17 NRS; or
 - 18 (e) A business entity that engages in the practice of professional
19 engineering, land surveying, architecture or landscape architecture.
- 20 5. "Eligible bidder" means a person who is:
 - 21 (a) Found to be a responsible and responsive contractor by a
22 local government which requests bids for a public work in
23 accordance with paragraph (b) of subsection 1 of NRS 338.1373; or
 - 24 (b) Determined by a public body which awarded a contract for a
25 public work pursuant to NRS 338.1375 to 338.139, inclusive, *and*
26 *sections 2, 3 and 4 of this act*, to be qualified to bid on that contract
27 pursuant to NRS 338.1379 or was exempt from meeting such
28 qualifications pursuant to NRS 338.1383.
- 29 6. "General contractor" means a person who is licensed to
30 conduct business in one, or both, of the following branches of the
31 contracting business:
 - 32 (a) General engineering contracting, as described in subsection 2
33 of NRS 624.215.
 - 34 (b) General building contracting, as described in subsection 3 of
35 NRS 624.215.
- 36 7. "Local government" means every political subdivision or
37 other entity which has the right to levy or receive money from ad
38 valorem or other taxes or any mandatory assessments, and includes,
39 without limitation, counties, cities, towns, boards, school districts
40 and other districts organized pursuant to chapters 244A, 309, 318,
41 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
42 inclusive, and any agency or department of a county or city which
43 prepares a budget separate from that of the parent political
44 subdivision. *The term includes a person who has been designated*
45 *by a local government to serve as the authorized representative of*



1 *the local government in developing and awarding contracts for*
2 *public works projects on behalf of the local government.*

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

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

18 The term includes, without limitation, a general contractor or a
19 specialty contractor who is authorized to bid on a project pursuant to
20 NRS 338.139 or 338.148.

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

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

- 26 (a) A project financed in whole or in part from public money
27 for:
28 (1) Public buildings;
29 (2) Jails and prisons;
30 (3) Public roads;
31 (4) Public highways;
32 (5) Public streets and alleys;
33 (6) Public utilities which are financed in whole or in part by
34 public money;
35 (7) Publicly owned water mains and sewers;
36 (8) Public parks and playgrounds;
37 (9) Public convention facilities which are financed at least in
38 part with public ~~funds;~~ *money*; and

39 (10) All other publicly owned works and property . ~~[whose~~
40 ~~cost as a whole exceeds \$20,000. Each separate unit that is a part of~~
41 ~~a project is included in the cost of the project to determine whether a~~
42 ~~project meets that threshold.]~~

43 (b) A building for the University and Community College
44 System of Nevada of which 25 percent or more of the costs of the



1 building as a whole are paid from money appropriated by this state
2 or from federal money.

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

5 13. "Stand-alone underground utility project" means an
6 underground utility project that is not integrated into a larger
7 project, including, without limitation:

8 (a) An underground sewer line or an underground pipeline for
9 the conveyance of water, including facilities appurtenant thereto;
10 and

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

16 14. "Wages" means:

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

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

22 15. "Workman" means a skilled mechanic, skilled workman,
23 semiskilled mechanic, semiskilled workman or unskilled workman.
24 The term does not include a design professional.

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

26 338.1373 1. A local government shall award a contract for the
27 construction, alteration or repair of a public work pursuant to the
28 provisions of:

29 (a) NRS 338.1377 to 338.139, inclusive ~~§~~, *and sections 2, 3*
30 *and 4 of this act;* or

31 (b) NRS 338.143 to 338.148, inclusive ~~§~~, *and sections 5, 6*
32 *and 7 of this act.*

33 2. The provisions of NRS 338.1375 to 338.1383, inclusive, and
34 338.139 *and sections 2 to 7, inclusive, of this act* do not apply with
35 respect to contracts for the construction, reconstruction,
36 improvement and maintenance of highways that are awarded by the
37 Department of Transportation pursuant to NRS 408.313 to 408.433,
38 inclusive.

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

40 338.1385 1. Except as otherwise provided in subsection ~~7~~ *6*
41 and NRS 338.1906 and 338.1907, this state, or a local government
42 that awards a contract for the construction, alteration or repair of a
43 public work in accordance with paragraph (a) of subsection 1 of
44 NRS 338.1373, or a public officer, public employee or other person
45 responsible for awarding a contract for the construction, alteration



1 or repair of a public work who represents the State or the local
2 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 7, 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. This section does not apply to:

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

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

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

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

33 (e) The design and construction of a public work for which a
34 public body contracts with a design-build team pursuant to NRS
35 338.1711 to 338.1727.

36 **Sec. 11.** NRS 338.1385 is hereby amended to read as follows:
37 338.1385 1. Except as otherwise provided in subsection ~~8.1~~
38 7, this state, or a local government that awards a contract for the
39 construction, alteration or repair of a public work in accordance with
40 paragraph (a) of subsection 1 of NRS 338.1373, or a public officer,
41 public employee or other person responsible for awarding a contract
42 for the construction, alteration or repair of a public work who
43 represents the State or the local government, shall not:



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

4 (b) *Commence such a project for which the estimated cost is*
5 *\$100,000 or less unless it complies with the provisions of sections*
6 *2, 3 and 4 of this act; or*

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

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

22 ~~3. or (b).~~

23 2. Each advertisement for bids must include a provision that
24 sets forth:

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

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

30 ~~4. 3.~~ Approved plans and specifications for the bids must be
31 on file at a place and time stated in the advertisement for the
32 inspection of all persons desiring to bid thereon and for other
33 interested persons. Contracts for the project must be awarded on the
34 basis of bids received.

35 ~~5. 4.~~ Any bids received in response to an advertisement for
36 bids may be rejected if the person responsible for awarding the
37 contract determines that:

38 (a) The bidder is not a qualified bidder pursuant to NRS
39 338.1379, unless the bidder is exempt from meeting such
40 qualifications pursuant to NRS 338.1383;

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

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

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



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

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

11 (b) A list of all equipment that the State or the local government
12 intends to use on the project, together with an estimate of the
13 number of hours each item of equipment will be used and the hourly
14 cost to use each 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 State or the local
19 government expects to save by rejecting the bids and performing the
20 project itself.

21 ~~[7.]~~ 6. In preparing the estimated cost of a project pursuant to
22 subsection ~~[6.]~~ 5, the State or a local government must include the
23 fair market value of, or, if known, the actual cost of, all materials,
24 supplies, labor and equipment to be used for the project.

25 ~~[8.]~~ 7. 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; ~~[or]~~

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

40 338.1389 1. Except as otherwise provided in *sections 2 and 4*
41 *of this act*, NRS 338.1385 and 338.1711 to 338.1727, inclusive, a
42 public body 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 determined by the public body to be a qualified
2 bidder pursuant to NRS 338.1379 or is exempt from meeting such
3 requirements pursuant to NRS 338.1373 or 338.1383; and

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

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

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

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

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

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

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

37 (1) License as a general contractor pursuant to the provisions
38 of chapter 624 of NRS; and

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

41 4. The State Contractors' Board shall issue a certificate of
42 eligibility to receive a preference in bidding on public works to a
43 specialty contractor who is licensed pursuant to the provisions of
44 chapter 624 of NRS and submits to the Board an affidavit from a



1 certified public accountant setting forth that the specialty contractor
2 has, while licensed as a specialty contractor in this state:

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

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

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

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

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

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

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

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

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

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

36 6. A contractor who has received a certificate of eligibility to
37 receive a preference in bidding on public works from the State
38 Contractors' Board pursuant to subsection 3 or 4 shall, at the time
39 for the annual renewal of his contractor's license pursuant to NRS
40 624.283, submit to the Board an affidavit from a certified public
41 accountant setting forth that the contractor has, during the
42 immediately preceding 12 months, paid the taxes required pursuant
43 to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as
44 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 reapplies 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
10 the 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
8 the 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 **Secs. 16 and 17.** (Deleted by amendment.)

14 **Sec. 18.** NRS 341.148 is hereby amended to read as follows:

15 341.148 ~~[1.—Except as otherwise provided in subsection 2,~~
16 ~~the] The~~ Board shall advertise in a newspaper of general circulation
17 in the State of Nevada for separate sealed bids for each construction
18 project ~~[] whose estimated cost is more than \$100,000.~~ Approved
19 plans and specifications for the construction must be on file at a
20 place and time stated in the advertisement for the inspection of all
21 persons desiring to bid thereon and for other interested persons. The
22 Board may accept bids on either the whole or a part of the
23 construction, equipment and furnishings ~~[] of a construction~~
24 ~~project~~ and may let separate contracts for different and separate
25 portions of any project, or a combination contract for structural,
26 mechanical and electrical construction if savings will result to the
27 lowest responsible and responsive bidder.

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

34 **Sec. 19.** NRS 341.166 is hereby amended to read as follows:

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

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

43 (b) In the review of designs, plans, specifications and estimates
44 of costs for a proposed construction project to ensure that the



1 designs, plans, specifications and estimates of costs are complete
2 and that the project is feasible to construct.

3 2. The Board is not required to advertise for bids for a contract
4 for services pursuant to subsection 1, but may solicit bids from not
5 fewer than three licensed contractors and may award the contract to
6 the lowest responsible and responsive bidder.

7 3. The Board shall adopt regulations establishing procedures
8 for:

9 (a) The determination of the qualifications of contractors to bid
10 for the contracts for services described in subsection 1.

11 (b) The bidding and awarding of such contracts.

12 4. If a proposed construction project for which a contractor is
13 awarded a contract for services by the Board pursuant to subsection
14 1 is advertised pursuant to NRS ~~341.148,~~ **338.1385**, that contractor
15 may submit a bid for the contract for the proposed construction
16 project if he is qualified pursuant to NRS ~~338.1377,~~ **338.1375**.

17 **Secs. 20-26.** (Deleted by amendment.)

18 **Sec. 27.** 1. This section and sections 1 to 10, inclusive, 12,
19 13 and 15 to 26, inclusive, of this act become effective on
20 October 1, 2003.

21 2. Sections 10 and 13 of this act expire by limitation on
22 April 30, 2013.

23 3. Sections 11 and 14 of this act become effective on May 1,
24 2013.

