

SENATE BILL NO. 280—SENATOR TIFFANY

MARCH 13, 2003

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing awarding of state purchasing contracts. (BDR 27-846)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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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 state purchasing; requiring certain considerations regarding local bidders in awarding state contracts; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     **Section 1.** NRS 333.335 is hereby amended to read as follows:  
2     333.335 1. Each proposal must be evaluated by:  
3     (a) The chief of the using agency, or a committee appointed by  
4     the chief of the using agency in accordance with the regulations  
5     adopted pursuant to NRS 333.135, if the proposal is for a using  
6     agency; or  
7     (b) The Chief of the Purchasing Division, or a committee  
8     appointed by the Chief in accordance with the regulations adopted  
9     pursuant to NRS 333.135, if he is responsible for administering the  
10    proposal.  
11    2. A committee appointed pursuant to subsection 1 must  
12    consist of not less than two members. A majority of the members of  
13    the committee must be state officers or employees. The committee  
14    may include persons who are not state officers or employees and  
15    possess expert knowledge or special expertise that the chief of the  
16    using agency or the Chief of the Purchasing Division determines is  
17    necessary to evaluate a proposal. The members of the committee are  
18    not entitled to compensation for their service on the committee,  
19    except that members of the committee who are state officers or



1 employees are entitled to receive their salaries as state officers and  
2 employees. No member of the committee may have a financial  
3 interest in a proposal.

4 3. In making an award, the chief of the using agency, the Chief  
5 of the Purchasing Division or each member of the committee, if a  
6 committee is established, shall consider and assign a score for each  
7 of the following factors for determining whether the proposal is in  
8 the best interests of the State of Nevada:

9 (a) The experience and financial stability of the person  
10 submitting a proposal;

11 (b) Whether the proposal complies with the requirements of the  
12 request for proposals as prescribed in NRS 333.311;

13 (c) The price of the proposal; and

14 (d) Any other factor disclosed in the request for proposals.

15 4. The chief of the using agency, the Chief of the Purchasing  
16 Division or the committee, if a committee is established, shall  
17 determine the relative weight of each factor set forth in subsection 3  
18 before a request for proposals is advertised. The weight of each  
19 factor must not be disclosed before the date proposals are required  
20 to be submitted.

21 5. *In evaluating the total scores assigned to a local bidder and*  
22 *a competing bidder pursuant to subsection 3, a proposal submitted*  
23 *by a local bidder shall be deemed to be in the best interest of the*  
24 *State if the total score of the competing bidder is not 5 percent*  
25 *better than the local bidder. As used in this subsection:*

26 (a) *“Local bidder” means a person who submits with his*  
27 *proposal an affidavit from a certified public accountant setting*  
28 *forth that the person submitting the proposal has paid taxes*  
29 *imposed by this state or a political subdivision of this state during*  
30 *the 2 years immediately preceding the submitting of the proposal;*  
31 *and*

32 (b) *“Competing bidder” means a person who submits a*  
33 *proposal other than a local bidder.*

34 6. The chief of the using agency, the Chief of the Purchasing  
35 Division or the committee, if a committee is established, shall award  
36 the contract based on the best interests of the State, as determined by  
37 the total scores assigned pursuant to subsection 3 ~~and~~ *and in*  
38 *compliance with subsection 5*, and is not required to accept the  
39 lowest-priced proposal.

40 ~~6.1~~ 7. Each proposal evaluated pursuant to the provisions of  
41 this section is confidential and may not be disclosed until the  
42 contract is awarded.

43 **Sec. 2.** This act becomes effective on July 1, 2003.

