

ASSEMBLY BILL NO. 295—ASSEMBLYWOMAN VON TOBEL

FEBRUARY 22, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises statutes governing Virgin Valley water district. (BDR 28-1430)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 the Virgin Valley water district; excluding a certain part of its original territory; extending an exception from the advertising of public 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 338.143 is hereby amended to read as follows:
2 338.143 1. Except as otherwise provided in subsection 6 and NRS
3 338.1906 and 338.1907, an agency or political subdivision of the state, or a
4 public officer, public employee or other person responsible for awarding a
5 contract for the construction, alteration or repair of a public work, shall
6 not:
7 (a) Commence such a project, for which the estimated cost exceeds
8 \$100,000, unless it advertises in a newspaper of general circulation in the
9 state for bids for the project; or
10 (b) Divide such a project into separate portions to avoid the
11 requirements of paragraph (a).
12 2. Except as otherwise provided in subsection 6, a public body that
13 maintains a list of properly licensed contractors who are interested in
14 receiving offers to bid on public works projects for which the estimated
15 cost is more than \$25,000 but less than \$100,000 shall solicit bids from not
16 more than three of the contractors on the list for a contract of that value for
17 the 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 each

1 contractor an equal opportunity to bid on a public works project. A
2 properly licensed contractor must submit a written request annually to the
3 public body to remain on the list. Offers for bids which are made pursuant
4 to this subsection must be sent by certified mail.

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

9 4. Any or all bids received in response to an advertisement for bids
10 may be rejected if the person responsible for awarding the contract
11 determines that:

12 (a) The bidder is not responsive or responsible;

13 (b) The quality of the services, materials, equipment or labor offered
14 does not conform to the approved plan or specifications; or

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

16 5. Before an agency or political subdivision of the state may
17 commence a project subject to the provisions of this section, based upon a
18 determination that the public interest would be served by rejecting any bids
19 received in response to an advertisement for bids, it shall prepare and make
20 available for public inspection a written statement containing:

21 (a) A list of all persons, including supervisors, who the agency or
22 political subdivision intends to assign to the project, together with their
23 classifications and an estimate of the direct and indirect costs of their labor;

24 (b) A list of all equipment that the agency or political subdivision
25 intends to use on the project, together with an estimate of the number of
26 hours each item of equipment will be used and the hourly cost to use each
27 item of equipment;

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

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

31 (e) An estimate of the amount of money the agency or political
32 subdivision expects to save by rejecting the bids and performing the
33 project itself.

34 6. This section does not apply to:

35 (a) Any utility subject to the provisions of chapter 318 or 710 of 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; or

39 (d) The Las Vegas Valley water district created pursuant to chapter 167,
40 Statutes of Nevada 1947 ~~H~~ or the *Virgin Valley water district created*
41 *pursuant to chapter 100, Statutes of Nevada 1993.*

1 **Sec. 2.** NRS 338.143 is hereby amended to read as follows:

2 338.143 1. Except as otherwise provided in subsection 6, an agency
3 or political subdivision of the state, or a public officer, public employee or
4 other person responsible for awarding a contract for the construction,
5 alteration or repair of a public work, shall not:

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

9 (b) Divide such a project into separate portions to avoid the
10 requirements of paragraph (a).

11 2. Except as otherwise provided in subsection 6, a public body that
12 maintains a list of properly licensed contractors who are interested in
13 receiving offers to bid on public works projects for which the estimated
14 cost is more than \$25,000 but less than \$100,000 shall solicit bids from not
15 more than three of the contractors on the list for a contract of that value for
16 the construction, alteration or repair of a public work. The public body
17 shall select contractors from the list in such a manner as to afford each
18 contractor an equal opportunity to bid on a public works project. A
19 properly licensed contractor must submit a written request annually to the
20 public body to remain on the list. Offers for bids which are made pursuant
21 to this subsection must be sent by certified mail.

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

26 4. Any or all bids received in response to an advertisement for bids
27 may be rejected if the person responsible for awarding the contract
28 determines that:

29 (a) The bidder is not responsive or responsible;

30 (b) The quality of the services, materials, equipment or labor offered
31 does not conform to the approved plan or specifications; or

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

33 5. Before an agency or political subdivision of the state may
34 commence a project subject to the provisions of this section, based upon a
35 determination that the public interest would be served by rejecting any bids
36 received in response to an advertisement for bids, it shall prepare and make
37 available for public inspection a written statement containing:

38 (a) A list of all persons, including supervisors, who the agency or
39 political subdivision intends to assign to the project, together with their
40 classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the agency or political subdivision intends to use on the project, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

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

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

(e) An estimate of the amount of money the agency or political subdivision expects to save by rejecting the bids and performing the project itself.

6. This section does not apply to:

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

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

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

(d) The Las Vegas Valley water district created pursuant to chapter 167, Statutes of Nevada 1947 ~~or the~~ *Virgin Valley water district created pursuant to chapter 100, Statutes of Nevada 1993.*

Sec. 3. Section 1 of chapter 100, Statutes of Nevada 1993, as amended by chapter 266, Statutes of Nevada 1995, at page 440, is hereby amended to read as follows:

Section 1. There is hereby created a political subdivision of this state to be known as the "Virgin Valley Water District." The jurisdiction and service area of the district are all that real property located in Clark County, Nevada, described as follows:

Beginning at the northeast corner of section 10, Township 13 South, Range 71 East, Mount Diablo *Base and* Meridian and running south approximately 15 miles along the section lines to the southeast corner of section 22, Township 15 South, Range 71 East ; ~~[- Mount Diablo Meridian;]~~ thence westerly along the section lines approximately 15 miles to the southwest corner of section 20, Township 15 South, Range 69 East; thence northerly along the section lines approximately 2 miles to the northwest corner of section 17, Township 15 South, Range 69 East; thence easterly along the north line of that section 17, a distance of 1 mile more or less to the southwesterly corner of section 9, Township 15 South, Range 69 East; thence northerly along the westerly section lines of sections 9 and 4 to the northwesterly corner of section 4, Township 15 South, Range 69 East; thence westerly along the south lines Township 14 South approximately ~~[14]~~ *8* miles to the southwesterly corner of section 31, Township 14 South, Range ~~[67]~~ *68* East, that point also being on the west range line of Range ~~[67]~~ *68* East; thence northerly along that

1 range line ~~{a distance of 12 miles more or less}~~ *approximately 9*
2 *miles to the southwest corner of section 18, Township 14 South,*
3 *Range 68 East; thence easterly along the section line of section*
4 *18 approximately 1 mile to the southeast corner of the section;*
5 *thence northerly along the east lines of sections 18 and 7 to the*
6 *northeast corner of section 7, Township 14 South, Range 68*
7 *East; thence westerly along the section line of section 7*
8 *approximately 1 mile to the northwest corner of the section;*
9 *thence northerly along the west range line of Range 68 East* to
10 the northerly line of Clark County; thence easterly along the
11 north line of Clark County ~~{28}~~ 22 miles more or less to a point
12 in the north-south boundary line between the States of Nevada
13 and Arizona; thence southerly along the Nevada-Arizona state
14 line to the northeast corner of section 10, Township 13 South,
15 Range 71 East, ~~{Mount Diablo Meridian,}~~ that point being the
16 true point of beginning.

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