

ASSEMBLY BILL NO. 295—ASSEMBLYWOMAN VON TOBEL

FEBRUARY 22, 1999

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning certain water districts. (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 water districts; extending an exception from the advertising of public contracts to certain additional water districts; excluding a certain part of the original territory of the Virgin Valley water district; 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 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

1 public body to remain on the list. Offers for bids which are made pursuant
2 to this subsection must be sent by certified mail.

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

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

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

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

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

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

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

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

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

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

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

32 6. This section does not apply to:

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

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

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

37 (d) The Las Vegas Valley water district created pursuant to chapter 167,
38 Statutes of Nevada 1947 ~~H~~, *the Moapa Valley water district created*
39 *pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley*
40 *water district created pursuant to chapter 100, Statutes of Nevada 1993.*

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

42 338.143 1. Except as otherwise provided in subsection 6, an agency
43 or political subdivision of the state, or a public officer, public employee or

1 other person responsible for awarding a contract for the construction,
2 alteration or repair of a public work, shall not:

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

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

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

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

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

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

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

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

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

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

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

42 (c) An estimate of the cost of administrative support for the persons
43 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 ~~[-]~~, *the Moapa Valley water district created pursuant to chapter 477, Statutes of Nevada 1983 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 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 of Township 14 South approximately 14 miles to the southwesterly corner of section 31, Township 14 South, Range 67 East, that point also being on the west range line of Range 67 East; thence northerly along that range line a distance of 12 miles more or less to the northerly line of Clark County; thence easterly along the north line of Clark County 28 miles more or less to a point in the north-south boundary line between the States of Nevada and Arizona; thence southerly along the Nevada-Arizona state line to the northeast corner of section 10, Township 13~~

~~South, Range 71 East, Mount Diablo Meridian,]~~ *Beginning at the northeast corner of section 3, Township 13 South, Range 71 East, Mount Diablo Meridian (MDM), which is also the intersection of the common boundary line of Clark and Lincoln counties and the Nevada and Arizona state line; thence south along the Nevada and Arizona state line to the southeast corner of section 22, Township 15 South, Range 71 East, MDM, a distance of approximately 16 miles; thence westerly to the southwest corner of section 20, Township 15 South, Range 69 East, MDM, a distance of approximately 14 1/2 miles; thence northerly to the northwest corner of section 17, Township 15 South, Range 69 East, MDM, a distance of approximately 2 miles; thence easterly to the northeast corner of section 17, Township 15 South, Range 69 East, MDM, a distance of approximately 1 mile; thence northerly to the northwest corner of section 4, Township 15 South, Range 69 East, MDM, a distance of approximately 2 miles; thence westerly to the southwest corner of section 31, Township 14 South, Range 68 East, MDM, a distance of approximately 8 miles; thence northerly to the northwest corner of section 19, Township 14 South, Range 68 East, MDM, a distance of approximately 3 miles; thence easterly to the northeast corner of section 19, Township 14 South, Range 68 East, MDM, a distance of approximately 1 mile; thence northerly to the southeast corner of section 6, Township 14 South, Range 68 East, MDM, a distance of approximately 2 miles; thence westerly to the southwest corner of section 6, Township 14 South, Range 68 East, MDM, a distance of approximately 1 mile; thence northerly to the northwest corner of section 6, Township 13 South, Range 68 East, MDM, a distance of approximately 7 miles, a point located on the common boundary of Clark and Lincoln counties; thence easterly along said common county line to the northeast corner of section 3, Township 13 South, Range 71 East, MDM, a distance of approximately 21 1/2 miles, the intersection of the common boundary line of Clark and Lincoln counties and the Nevada and Arizona state line, that point being the true point of beginning.*