

**(REPRINTED WITH ADOPTED AMENDMENTS)**  
**FIRST REPRINT** **A.B. 155**

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ASSEMBLY BILL NO. 155—COMMITTEE ON COMMERCE AND LABOR

(ON BEHALF OF NEVADA LEAGUE OF CITIES AND MUNICIPALITIES)

FEBRUARY 15, 2001

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Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing substitution of subcontractor who is named in bid for public work or improvement. (BDR 28-366)

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; revising the provisions governing the substitution of a subcontractor who is named in a bid for a public work or improvement; 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 338.141 is hereby amended to read as follows:  
2     338.141 1. Except as otherwise provided in subsection 2, each bid  
3     submitted to any officer, department, board or commission for the  
4     construction of any public work or improvement must include:  
5     (a) The name of each subcontractor who will provide labor or a portion  
6     of the work or improvement to the contractor for which he will be paid an  
7     amount exceeding 5 percent of the prime contractor's total bid. Within 2  
8     hours after the completion of the opening of the bids, the general  
9     contractors who submitted the three lowest bids must submit a list ~~to~~  
10    ***containing*** the name of each subcontractor who will provide labor or a  
11    portion of the work or improvement to the contractor for which he will be  
12    paid an amount exceeding 1 percent of the prime contractor's total bid or  
13    \$50,000, whichever is greater, and the number of the license issued to the  
14    subcontractor pursuant to chapter 624 of NRS. If a general contractor fails  
15    to submit such a list within the required time, his bid shall be deemed not  
16    responsive.  
17    (b) A description of the portion of the work or improvement which each  
18    subcontractor named in the bid will complete.



1       2. The contractor shall list in his bid pursuant to subsection 1 the name  
2 of a subcontractor for each portion of the project that will be completed by  
3 a subcontractor.

4       3. A contractor whose bid is accepted shall not substitute any person  
5 for a subcontractor who is named in the bid, unless:

6       (a) The awarding authority objects to the subcontractor, requests in  
7 writing a change in the subcontractor and pays any increase in costs  
8 resulting from the change; or

9       (b) The substitution is approved by the awarding authority ~~and~~ *or an*  
10 *authorized representative of the awarding authority. The substitution*  
11 *must be approved if the awarding authority or authorized representative*  
12 *of the awarding authority determines that:*

13       (1) The *named* subcontractor, after having a reasonable opportunity,  
14 fails or refuses to execute a written contract with the contractor which was  
15 offered to the subcontractor with the same *general* terms that all other  
16 subcontractors on the project were offered;

17       (2) The named subcontractor files for bankruptcy or becomes  
18 insolvent; or

19       (3) The named subcontractor fails or refuses to perform his  
20 subcontract within a reasonable time or is unable to furnish a performance  
21 bond and payment bond pursuant to NRS 339.025.

22       4. *As used in this section, "general terms" means the terms and*  
23 *conditions of a contract that set the basic requirements for a project and*  
24 *apply without regard to the particular trade or specialty of a*  
25 *subcontractor, but does not include any provision that controls or relates*  
26 *to the specific portion of the project that will be completed by a*  
27 *subcontractor, including, without limitation, the materials to be used by*  
28 *the subcontractor or other details of the work to be performed by the*  
29 *subcontractor.*

30       **Sec. 2.** The amendatory provisions of section 1 of this act do not apply  
31 to a public work or improvement for which a bid has been submitted before  
32 the effective date of this act.

33       **Sec. 3.** This act becomes effective upon passage and approval.

