

ASSEMBLY BILL NO. 427—ASSEMBLYMAN HETTRICK

MARCH 19, 2001

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to contracts for state purchasing. (BDR 27-694)

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; revising the requirements for a request for proposals for a contract for state purchasing; revising the manner in which such a contract is awarded; 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 333 of NRS is hereby amended by adding thereto a
2 new section to read as follows:

3 *Each request for proposals must include minimum performance*
4 *requirements that the successful bidder must meet for the awarding of a*
5 *contract pursuant to the provisions of this chapter. A contract may not be*
6 *awarded to a bidder who does not comply with the requirements set forth*
7 *in the request for proposals.*

8 **Sec. 2.** NRS 333.335 is hereby amended to read as follows:

9 333.335 1. Each proposal must be evaluated by:

10 (a) The chief of the using agency, or a committee appointed by the chief
11 of the using agency in accordance with the regulations adopted pursuant to
12 NRS 333.135, if the proposal is for a using agency; or

13 (b) The chief of the purchasing division, or a committee appointed by
14 the chief in accordance with the regulations adopted pursuant to NRS
15 333.135, if he is responsible for administering the proposal.

16 2. A committee appointed pursuant to subsection 1 must consist of not
17 less than two members. A majority of the members of the committee must
18 be state officers or employees. The committee may include persons who
19 are not state officers or employees and possess expert knowledge or special
20 expertise that the chief of the using agency or the chief of the purchasing
21 division determines is necessary to evaluate a proposal. The members of
22 the committee are not entitled to compensation for their service on the
23 committee, except that members of the committee who are state officers or



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

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

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

11 (b) Whether the proposal ~~conforms~~ *complies* with the ~~terms~~
12 *requirements* of the request for proposals ~~as~~ *as prescribed in section 1 of*
13 *this act*;

14 (c) The price of the proposal; and

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

16 4. The chief of the using agency, the chief of the purchasing division
17 or the committee, if a committee is established, shall determine the relative
18 weight of each factor set forth in subsection 3 before a request for
19 proposals is advertised. *When determining the relative weight of each*
20 *factor, an equal weight must be given to the factors set forth in*
21 *paragraphs (b) and (c) of subsection 3.* The weight of each factor must not
22 be disclosed before the date proposals are required to be submitted.

23 5. The chief of the using agency, the chief of the purchasing division
24 or the committee, if a committee is established, shall award the contract
25 based on the best interests of the state and is not required to accept the
26 lowest-priced proposal.

27 6. Each proposal evaluated pursuant to the provisions of this section is
28 confidential and may not be disclosed until the contract is awarded.

29 **Sec. 3.** This act becomes effective on July 1, 2001.

