

Assembly Bill No. 427—Assemblyman Hettrick

CHAPTER.....

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:

Section 1. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

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

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

333.335 1. Each proposal must be evaluated by:

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

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

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the chief of the purchasing division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal.

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

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

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

(c) The price of the proposal; and

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

4. The chief of the using agency, the chief of the purchasing division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for

proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted.

5. The chief of the using agency, the chief of the purchasing division or the committee, if a committee is established, shall award the contract based on the best interests of the state , *as determined by the total scores assigned pursuant to subsection 3,* and is not required to accept the lowest-priced proposal.

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

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