

Senate Bill No. 175—Senators Schneider, Neal, Mathews,
Wiener, Care, Titus and Shaffer

Joint Sponsors: Assemblymen Giunchigliani, Parks, Beers,
Carpenter, Chowning, Humke, Manendo and Nolan

CHAPTER.....

AN ACT relating to disabled persons; creating an exception for certain organizations to the competitive bidding process for purchasing by local governments; requiring the committee on employment of persons with disabilities, if created by the governor, to establish a program to encourage and facilitate the purchase of commodities and services from certain organizations by agencies of state and local government; 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 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A governing body of a local government or its authorized representative may award, without complying with the requirements for competitive bidding set forth in this chapter, a contract for services or for the purchase of supplies, materials, equipment or labor to an organization or agency whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a community-based training center for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

2. An organization or agency that wishes to submit a bid for such a contract must establish a fair-market price for those services, supplies, materials, equipment or labor by conducting a market survey and must include the survey with the bid submitted to the local government.

Sec. 2. NRS 333.375 is hereby amended to read as follows:

333.375 *1. The provisions of NRS 331.100 notwithstanding, the ~~director~~ purchasing division may award without accepting competitive bids a contract for services or the purchase of commodities to organizations or agencies whose primary purpose is the training and employment of ~~handicapped persons. He shall establish by market survey~~ persons with a mental or physical disability, including, without limitation, a community-based training center for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.*

2. An organization or agency that wishes to submit a bid for such a contract must establish a fair-market price for those services or commodities ~~+~~ by conducting a market survey and must include the survey with the bid submitted to the purchasing division.

Sec. 3. Chapter 334 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the governor has created a committee on employment of persons with disabilities, the committee shall establish a program to encourage and facilitate purchases by agencies of commodities and services from organizations.

2. The program may include:

(a) A method for assisting an agency that wishes to purchase commodities or services from an organization to locate such commodities and services that meet the needs of the agency;

(b) A method for assisting an organization to locate an agency that wishes to purchase commodities or services from organizations;

(c) A method for encouraging agencies to purchase commodities and services from organizations;

(d) A method to review objections to an award of a contract to an organization, which method must be limited to a review of the process used for awarding the contract to ensure that the appropriate procedures were followed in awarding the contract;

(e) The establishment of a percentage, not to exceed 4 percent, of the full amount of payment to an organization which is awarded a contract for all commodities and services to be provided to the agency pursuant to the contract that is sufficient to pay the cost to the committee of establishing and administering the program; and

(f) A method for collecting information from an agency in a report to the committee, which report may include, without limitation:

(1) The number of persons currently employed at the agency who are mentally or physically disabled; and

(2) The number of contracts the agency has entered into pursuant to the program which are currently in effect and a list of the organizations with which the agency has entered such contracts.

3. In administering the program, the committee on employment of persons with disabilities shall, upon request of an agency or organization, assist the agency or organization in establishing a contract for the purchase of commodities or services.

4. A contract entered into pursuant to the program must provide for a payment to the committee in an amount equal to the full amount of payment to the organization for all commodities and services to be provided to the agency pursuant to the contract multiplied by the percentage established pursuant to paragraph (e) of subsection 2.

5. As used in this section:

(a) "Agency" means a local government as defined in NRS 332.015 and using agencies as defined in NRS 333.020.

(b) "Organization" means an organization whose primary purpose is the training and employment of mentally or physically disabled persons, including, without limitation, community-based training centers for the care and training of mentally and functionally retarded persons described in chapter 435 of NRS.

Sec. 4. This act becomes effective on July 1, 2001.