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March 25, 2003

Dear Members of the Assembly Committee on Government Affairs:

We, the Southwest Regional Council of Carpenters, wish to enter the following amendments for your consideration of Assembly Bill 295, which is to be heard in your scheduled committee meeting on Wednesday, March 26, 2003.

Note: text in italics is proposed changes of this bill; our amendments are in bold:

Section 1. NRS 338.1377 is hereby amended to read as follows:

338.1377 ~~[1.] Except as otherwise provided in NRS 338.1383, the governing body of each local government that sponsors or finances a public work shall adopt by ordinance the following criteria for [the qualification of bidders] determining whether a person who has applied pursuant to NRS 338.1379 is qualified to bid on contracts for public works of the local government. The governing body shall use the criteria to determine the qualification of bidders on contracts for public works of the local government.~~

~~2. Before adopting criteria pursuant to this section, the governing body of a local government shall hold at least one public hearing to solicit and evaluate public opinion regarding the criteria to be adopted. Notice of such a hearing must be provided by mail at least 10 days before the hearing to:~~

- ~~(a) Construction trade associations in this state; and~~
- ~~(b) Labor unions representing trades in the building industry in this state.~~

~~3. The criteria adopted by a governing body pursuant to this section to determine whether an applicant is qualified to bid on a contract for a public work:~~

~~(a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.~~

~~(b) May include only:~~

~~(1) The financial ability of the applicant to perform a contract;~~

~~(2) The principal personnel of the applicant;~~

~~(3) :~~

~~1. Whether the applicant possesses a valid contractor's license of a class corresponding to the work to be required by the local government;~~

~~2. Whether the applicant has the ability to obtain the necessary bonding for the work to be required by the local government;~~

~~3. Whether the applicant has successfully completed one or more projects during the 5 years immediately preceding the date of application of similar size, scope or type as the work to be required by the local government;~~

~~4. Whether the principal personnel employed by the applicant have the necessary professional qualifications and experience for the work to be required by the local government;~~

~~5. Whether the applicant has breached any contracts with a public agency or person in this state or any other state; and (4) during the 5 years immediately preceding the date of application;~~

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SUBMITTED BY: Lou Ashton

6. Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017 or 338.1387[-];

7. *Whether the applicant has been convicted of a violation for discrimination in employment during the 2 years immediately preceding the date of application;*

8. *Whether the applicant has the ability to obtain and maintain insurance coverage for public liability and property damage within limits sufficient to protect the applicant and all the subcontractors of the applicant from claims for personal injury, accidental death and damage to property that may arise in connection with the work to be required by the local government;*

9. *Whether the applicant has established a safety program that complies with the requirements of chapter 618 of NRS; and*

10. *Whether any complaints against the applicant have been filed with and substantiated by the State Contractors' Board or another state or federal agency that relate to the ability of the applicant to perform the work to be required by the local government.*

11. Whether the applicant has failed to perform any contract due to causes within the control of the applicant, its subcontractors, and suppliers, as evidenced by, but not limited to, the assessment of liquidated damages, bond forfeitures, arbitration decisions, or the findings of a court of law during the past 5 years:

- (a) in the manner specified by the contract and any change orders initiated or approved by the owner or its authorized representative;
- (b) within the time specified by the contract unless extended by the owner or its authorized representative; or
- (c) for the amount of money specified by the contract unless modified by change orders initiated or approved by the owner or its authorized representative.

Respectfully Submitted,

Lori Ashton- Representative
Southwest Regional of Carpenters