

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

Section by Section Description of Amendment to SB 19
Submitted By: Mary Walker

As an introductory note: Sections 2, 3 and 4 of SB 19 deals with the formal bidding procedures in NRS 338. Sections 5, 6, and 7 of SB 19 deal with the alternative local government procedures in NRS 338. Both sections of have to be amended in order for SB 19 to be consistently applied.

1) Section 3 (2) eliminates (b). The reason for the amendment is to bring SB 19 in conformance with bill draft language approved by the local government-contractor subcommittee. On June 11, 2002, this language was submitted to the Committee to Study Competition between Local Governments and Private Enterprise by local governments and contractors. The Committee approved of the BDR language submitted. In addition, the original bill draft language submitted in June reflected current law with no change. Therefore, this amendment will make SB 19 conform with existing law and the agreement made between the local governments and contractors.

2) Section 3 (3) merely clarifies that this section is for projects over \$25,000 which again, conforms with draft language submitted to the Committee by the local governments and contractors on June 11, 2002.

3) Section 3 (5) eliminates the words "or a local government". This is because paragraph 5 of Section 3 pertains to the State's prequalification of bidders and doesn't pertain to local governments.

This conforms with draft language submitted to the Committee by the local governments and contractors last on June 11, 2002.

4) Section 3 (5) (b) eliminates "submits the best bid, as determined pursuant to NRS 338.1389 . NRS 338.1389 refers to the prequalification of bidders and preferential Bidder Status for projects over \$250,000. It would not apply to these contracts between \$25,000 & \$100,000. LCB staff Scott Wasserman may wish to clarify this language.

This conforms with draft language submitted to the Committee by the local governments and contractors last on June 11, 2002.

5) Section 4 (1) eliminates the term "this state or a local government" to read "the public officer responsible for the management of its public works projects". This is to conform with the draft language submitted to the Committee by the local governments and contractors on June 11, 2002. The intent is to try to pinpoint exactly who will be responsible for attesting to the cost of the project, why the project is being done in-house and to attest it will be adhere to the same quality and standards as would be required of the private sector.

6) Section 6 (2) (b) amendment is the same as amendment #1 above.

7) Section 6 (3) amendment is the same as amendment #2 above.

8) Section 6 (5) amendment eliminates the reference to NRS 338.147 because 338.147 deals with preferential Bidder Status for projects over \$250,000. It would not apply to this new process for contracts between \$25,000 & \$100,000.

In addition language is added on how contracts will be awarded to the "lowest responsive and responsible bidder".

9) Section 7 (1) amendment is the same as amendment #5 above.

10) Section 7 (2) (b) amendment clarifies this section is for local government since it pertains to the local government alternative bidding procedures as currently stands in NRS 338.

11) Section 8 (7) includes a definition that local government "includes an authorized representative of the local government if one is designated by the local government to be responsible for the development and award of contracts for public works projects for the local government". This conforms with the BDR language submitted to the Committee on June 11, 2002 by the local governments and contractors. It allows a local government to authorize a representative to award the project without going through the governing board for smaller public works projects under \$100,000. This is one of the streamlining measures agreed upon to cut the time and effort it takes to process smaller public works projects.

12) Section 8 (11) (10) eliminates the current language "whose cost as a whole exceed \$20,000. Each separate unit that is part of a project is included in the cost of the project to determine whether a project meets that threshold". This conforms with the BDR language submitted to the Committee on June 11, 2002 by the local governments and contractors. The \$20,000 threshold no longer applies and the remainder was redundant.

13) Section 9 is LCB bill drafter language.

Pre-Qualification of Bidders Section

14) Section 10, (1) (b) & (c) – Under Pre-Qualification of Bidders Section NRS 338.1385 (effective through April 30, 2013) is "Advertising and Acceptance of Bids" the new sentence directs you where the rules are for the new process for projects under \$100,000.

15) Section 10 (2) is deleted as part of the agreement. This section eliminates the old cumbersome process for smaller projects in order not to conflict with the new less

restrictive process established. This conforms with the BDR language submitted to the Committee on June 11, 2002 by the local governments and contractors.

16) Section 10 (4) (b). Adds the word "responsible" allows the bid to be rejected not only if the bidders is not responsive but also if they are found not responsible.

17) Section 11 (1) (b) Same as amendment # 14 above.

18) Section 11 (2) Same as amendment # 15 above.

19) Section 11 (4) (b) same as amendment # 16 above.

20) Section 12 (1) same as amendment # 6 above.

Alternative Procedures for Local Governments (338.143)

Basically all the rest of these sections are the same amendments made previously to the Qualification of Bidders Section.

21) Section 13 (1) (b) same as amendment #14 and #17.

22) Section 13 (2) same as amendment #15 and #18.

23) Section 14 (1) (b) same as amendment # 21.

24) Section 14 (2) same as amendment #15, #18, and #22.

25) Section 15 (1) same as amendment #20 and #6.

26) Section 16 - NRS 341 is LCB Drafter Language.