
ASSEMBLY BILL NO. 179—ASSEMBLYMEN OCEGUERA, ALLEN,
ARBERRY JR., DENIS, GERHARDT, HORNE, KOIVISTO,
MCCLEARY, MUNFORD, PARKS AND SEALE

MARCH 8, 2005

JOINT SPONSOR: SENATOR TITUS

Referred to Committee on Government Affairs

SUMMARY—Exempts certain governmental purchases of personal safety equipment from certain requirements for bidding and purchasing. (BDR 27-355)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 purchasing; exempting certain purchases of certain safety equipment for use by certain agencies from requirements of competitive bidding and control by the Purchasing Division of the Department of Administration; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the purchase of personal safety equipment for use by a local fire department or local law enforcement agency is not required to be carried out by way of competitive bidding if: (1) the equipment will be used by personnel of such entities in responding to emergencies that may threaten the health, safety or welfare of the personnel; and (2) the cost of the equipment is comparable to the cost of similar equipment available for purchase by the public. (NRS 332.115)

This bill expands the exemption from competitive bidding to include any state or local governmental agency that meets these two requirements. This bill provides further that a state agency which purchases personal safety equipment in accordance with these two requirements may, but is not required to, make the purchase through the facilities of the Purchasing Division of the Department of Administration.

Existing law defines "personal safety equipment" for the purposes of the competitive bidding exemption to mean only safety equipment that is worn or carried on a regular basis. (NRS 332.115)



16 This bill expands the definition of "personal safety equipment" to include
17 safety equipment that is used in the course of responding to emergencies as well as
18 safety equipment that is worn or carried on a regular basis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 332.115 is hereby amended to read as follows:
2 332.115 1. Contracts which by their nature are not adapted to
3 award by competitive bidding, including contracts for:
4 (a) Items which may only be contracted from a sole source;
5 (b) Professional services;
6 (c) Additions to and repairs and maintenance of equipment
7 which may be more efficiently added to, repaired or maintained by a
8 certain person;
9 (d) Equipment which, by reason of the training of the personnel
10 or of an inventory of replacement parts maintained by the local
11 government is compatible with existing equipment;
12 (e) Perishable goods;
13 (f) Insurance;
14 (g) Hardware and associated peripheral equipment and devices
15 for computers;
16 (h) Software for computers;
17 (i) Books, library materials and subscriptions;
18 (j) Motor vehicle fuel purchased by a local law enforcement
19 agency for use in an undercover investigation;
20 (k) Motor vehicle fuel for use in a vehicle operated by a local
21 law enforcement agency or local fire department if such fuel is not
22 available within the vehicle's assigned service area from a fueling
23 station owned by the State of Nevada or a local government;
24 (l) Purchases made with money in a store fund for prisoners in a
25 jail or local detention facility for the provision and maintenance of a
26 canteen for the prisoners;
27 (m) Supplies, materials or equipment that are available pursuant
28 to an agreement with a vendor that has entered into an agreement
29 with the General Services Administration or another governmental
30 agency located within or outside this State;
31 (n) Items for resale through a retail outlet operated in this State
32 by a local government or the State of Nevada;
33 (o) Commercial advertising within a recreational facility
34 operated by a county fair and recreation board; and
35 (p) Goods or services purchased from organizations or agencies
36 whose primary purpose is the training and employment of
37 handicapped persons,



1 ➡ are not subject to the requirements of this chapter for competitive
2 bidding, as determined by the governing body or its authorized
3 representative.

4 2. The purchase of equipment for use by a local law
5 enforcement agency in the course of an undercover investigation is
6 not subject to the requirements of this chapter for competitive
7 bidding, as determined by the governing body or its authorized
8 representative, if:

9 (a) The equipment is an electronic or mechanical device which
10 by design is intended to monitor and document in a clandestine
11 manner suspected criminal activity; or

12 (b) Purchasing the equipment pursuant to such requirements
13 would limit or compromise the use of such equipment by an agency
14 authorized to conduct such investigations.

15 3. The purchase of personal safety equipment for use by a local
16 fire department , ~~for~~ local law enforcement agency *or other local*
17 *governmental agency* is not subject to the requirements of this
18 chapter for competitive bidding, as determined by the governing
19 body or its authorized representative, if:

20 (a) The personal safety equipment will be used by personnel of
21 the *local* fire department ~~for~~ , *local* law enforcement agency *or*
22 *other local governmental agency* in responding to emergencies in
23 which the health, safety or welfare of those personnel may be
24 compromised, impaired or otherwise threatened; and

25 (b) The cost of the personal safety equipment is comparable to
26 the cost of similar personal safety equipment that is available for
27 purchase by the public.

28 4. The governing body of a hospital required to comply with
29 the provisions of this chapter, or its authorized representative, may
30 purchase goods commonly used by the hospital, under a contract
31 awarded pursuant to NRS 332.065, without additional competitive
32 bidding even if at the time the contract was awarded:

33 (a) The vendor supplying such goods to the person awarded the
34 contract was not identified as a supplier to be used by the person
35 awarded the contract; or

36 (b) The vendor was identified as a supplier but was not
37 identified as the supplier of such goods.

38 ➡ The governing body of the hospital shall make available for
39 public inspection each such contract and records related to those
40 purchases.

41 5. This section does not prohibit a governing body or its
42 authorized representative from advertising for or requesting bids.

43 6. As used in this section, "personal safety equipment" means
44 safety equipment that is *used in the course of responding to*



1 *emergencies, or* worn or otherwise carried on a regular basis , by
2 personnel of a *local* fire department ~~for~~ , *local* law enforcement
3 agency ~~for~~ *or other local governmental agency*. The term includes,
4 but is not limited to, firearms, boots, bulletproof vests or other types
5 of body armor, protective garments, *protective eyewear*, gloves and
6 helmets.

7 **Sec. 2.** Chapter 333 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *1. The purchase of personal safety equipment for use by a*
10 *state law enforcement agency, state fire protection agency or other*
11 *state agency is not subject to the requirements of this chapter for*
12 *competitive bidding or acquisition through the facilities of the*
13 *Purchasing Division, as determined by the head of the agency or*
14 *his authorized representative, if:*

15 *(a) The personal safety equipment will be used by personnel of*
16 *the state law enforcement agency, state fire protection agency or*
17 *other state agency in responding to emergencies in which the*
18 *health, safety or welfare of those personnel may be compromised,*
19 *impaired or otherwise threatened; and*

20 *(b) The cost of the personal safety equipment is comparable to*
21 *the cost of similar personal safety equipment that is available for*
22 *purchase by the public.*

23 *2. A state agency described in this section may obtain*
24 *personal safety equipment on a voluntary basis through the*
25 *facilities of the Purchasing Division.*

26 *3. As used in this section, "personal safety equipment" means*
27 *safety equipment that is used in the course of responding to*
28 *emergencies, or worn or otherwise carried on a regular basis, by*
29 *personnel of a state law enforcement agency, state fire protection*
30 *agency or other state agency. The term includes, but is not limited*
31 *to, firearms, boots, bulletproof vests or other types of body armor,*
32 *protective garments, protective eyewear, gloves and helmets.*

