

Assembly Bill No. 179–Assemblymen Ocegüera, Allen, Arberry Jr.,
Denis, Gerhardt, Horne, Koivisto, McCleary, Munford,
Parks and Seale

Joint Sponsor: Senator Titus

CHAPTER.....

AN ACT relating to purchasing; exempting certain purchases of
personal safety equipment for use by local governmental
agencies from requirements of competitive bidding; 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 by replacing the references to local fire departments and local law enforcement agencies with the term “response agency”, which is defined to mean an agency of a local government that provides services related to law enforcement, firefighting, emergency medical care or public safety. This bill further expands the exemption by providing that a response agency, or any other local governmental agency, may purchase personal safety equipment for its personnel without complying with the requirements for competitive bidding if: (1) the equipment will be used by the personnel in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters 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.

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)

This bill expands the definition of “personal safety equipment” to include safety equipment that is used in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters, as well as safety equipment that is worn or carried on a regular basis. This bill further expands the definition of “personal safety equipment” to include specialized apparatus, equipment or materials approved or recommended by the United States Department of Homeland Security.

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

Section 1. NRS 332.115 is hereby amended to read as follows:
332.115 1. Contracts which by their nature are not adapted to
award by competitive bidding, including contracts for:
(a) Items which may only be contracted from a sole source;

- (b) Professional services;
- (c) Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person;
- (d) Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the local government is compatible with existing equipment;
- (e) Perishable goods;
- (f) Insurance;
- (g) Hardware and associated peripheral equipment and devices for computers;
- (h) Software for computers;
- (i) Books, library materials and subscriptions;
- (j) Motor vehicle fuel purchased by a local law enforcement agency for use in an undercover investigation;
- (k) Motor vehicle fuel for use in a vehicle operated by a local law enforcement agency or local fire department if such fuel is not available within the vehicle's assigned service area from a fueling station owned by the State of Nevada or a local government;
- (l) Purchases made with money in a store fund for prisoners in a jail or local detention facility for the provision and maintenance of a canteen for the prisoners;
- (m) Supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State;
- (n) Items for resale through a retail outlet operated in this State by a local government or the State of Nevada;
- (o) Commercial advertising within a recreational facility operated by a county fair and recreation board; and
- (p) Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of handicapped persons,
➔ are not subject to the requirements of this chapter for competitive bidding, as determined by the governing body or its authorized representative.

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

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

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

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

(a) The personal safety equipment will be used by personnel of the ~~{fire department or law enforcement}~~ *response agency or other local governmental agency* in *preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters* in which the health, safety or welfare of those personnel may be compromised, impaired or otherwise threatened; and

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

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

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

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

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

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

6. As used in this section ~~{, "personal"}~~ :

(a) *"Act of terrorism" has the meaning ascribed to it in NRS 239C.030.*

(b) *"Personal safety equipment" means safety equipment that ~~{is worn or otherwise carried on a regular basis by}~~ personnel of a ~~{fire department or law enforcement agency.}~~ response agency or other local governmental agency:*

(1) Use in the course of preventing, responding to or providing services of recovery or relief in connection with emergencies, acts of terrorism or other natural or man-made disasters; or

(2) Wear or otherwise carry on a regular basis.

↪ The term includes, ~~{but is not limited to,}~~ *without limitation*, firearms, boots, bulletproof vests or other types of body armor, protective garments, *protective eyewear*, gloves ~~{and helmets.}~~ , *helmets, and any specialized apparatus, equipment or materials approved or recommended by the United States Department of Homeland Security.*

(c) *“Response agency” means an agency of a local government that provides services related to law enforcement, firefighting, emergency medical care or public safety.*