

Amendment No. 424

Senate Amendment to Senate Bill No. 426

(BDR 28-1032)

Proposed by: Committee on Government Affairs**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend the bill as a whole by renumbering sections 2 through 5 as sections 3 through 6 and adding a new section designated sec. 2, following section 1, to read as follows:

“**Sec. 2.** NRS 338.140 is hereby amended to read as follows:

338.140 1. A public body shall not draft or cause to be drafted specifications for bids, in connection with a public work:

- (a) In such a manner as to limit the bidding, directly or indirectly, to any one specific concern.
- (b) Except in those instances where the product is designated to match others in use on a particular public improvement either completed or in the course of completion, calling for a designated material, product, thing or service by specific brand or trade name unless the specification lists at least two brands or trade names of comparable quality or utility and is followed by the words “or equal” so that bidders may furnish any equal material, product, thing or service.

HC/LJM

Date: 4/20/2005

S.B. No. 426—Clarifies certain provisions relating to public works.

(c) In such a manner as to hold the bidder to whom such contract is awarded responsible for extra costs incurred as a result of errors or omissions by the public body in the contract documents.

(d) In such a manner as to require a bidder to furnish to the public body, whether before or after the bid is submitted, documents generated in the preparation or determination of prices included in the bid, except when requested by the public body for:

- (1) A determination of the price of additional work performed pursuant to a change order;
- (2) An evaluation of claims for costs incurred for the performance of additional work;
- (3) Preparation for arbitration or litigation; or
- (4) Any combination thereof.

➡ A document furnished to a public body pursuant to this paragraph is confidential and must be returned to the bidder. *Any document furnished to a public body by a bidder pursuant to this paragraph may be transmitted and stored electronically if the manner of transmission ensures that the documents are exclusively accessible to the bidder. Electronic transmission and storage of such documents does not waive or otherwise affect the proprietary interests of the bidder in the documents.*

2. In those cases involving a unique or novel product application required to be used in the public interest, or where only one brand or trade name is known to the public body, it may list only one.

3. Specifications must provide a period of time of at least 7 days after award of the contract for submission of data substantiating a request for a substitution of “an equal” item.”.

Amend sec. 5, page 10, line 9, by deleting “2 and 3” and inserting “3 and 4”.

Amend the title of the bill, second line, after the semicolon, by inserting:

“providing that certain documents furnished to a public body may be transmitted and stored electronically;”.