

Amendment No. 248

Senate Amendment to Senate Bill No. 234

(BDR 28-490)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date	
Adopted	☐	Lost	☐	_____		Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____		Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____		Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

HAC/EGO



Date: 4/22/2007

S.B. No. 234—Provides exception to competitive bidding procedures for certain contracts relating to redevelopment areas. (BDR 28-490)



SENATE BILL NO. 234—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE CITY OF LAS VEGAS)

MARCH 7, 2007

Referred to Committee on Government Affairs

SUMMARY—Provides exception to competitive bidding procedures for certain contracts relating to redevelopment areas. (BDR 28-490)

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 public works; exempting contracts for certain projects within redevelopment areas from procedures for competitive bidding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that contracts for public works projects be awarded through procedures for competitive bidding. (NRS 338.1373-338.148) Existing law authorizes public bodies to redevelop blighted areas. (Chapter 279 of NRS) This bill exempts contracts for certain **public improvement** projects from procedures for competitive bidding. The projects exempted are those: (1) ~~that are~~ **constructed** within a redevelopment area ~~by a private developer for the benefit of a private development that consists of one or more buildings for which the estimated cost is \$20 million or more;~~ (2) that a legislative body has determined, at a public hearing, **directly** benefit a redevelopment area ~~to~~ **promote efficiency, coordination and economy in design and construction and** mitigate any adverse effect upon the redevelopment area that is caused by ~~a redevelopment project;~~ **the private development;** (3) which would otherwise be considered public works; and (4) for which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project. This bill also provides that such contracts are subject to the prevailing wage requirements of chapter 338 of NRS . ~~if the contract does not make the developer responsible for paying all of the initial construction costs of the project;~~

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of chapter 332 of NRS, NRS 338.1373 to 338.148, inclusive, and chapter 339 of NRS do not apply to a contract under which a private

1 *developer constructs a public improvement project as described in section 3 of*
2 *this act.*

3 **Sec. 2.** NRS 338.050 is hereby amended to read as follows:

4 338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and section 1*
5 *of this act*, except as otherwise provided by specific statute, every workman who
6 performs work for a public work covered by a contract therefor is subject to all of
7 the provisions of NRS 338.010 to 338.090, inclusive, *and section 1 of this act*,
8 regardless of any contractual relationship alleged to exist between such workman
9 and his employer.

10 **Sec. 3.** Chapter 279 of NRS is hereby amended by adding thereto a new
11 section to read as follows:

12 1. *The provisions of chapter 332 of NRS, NRS 338.1373 to 338.148,*
13 *inclusive, and chapter 339 of NRS do not apply to a contract for a public*
14 *improvement project:*

15 (a) *That is constructed within a redevelopment area ~~for~~ by a private developer*
16 *for the benefit of a private development that consists of one or more buildings for*
17 *which the estimated cost is \$20,000,000 or more;*

18 (b) *That a legislative body has determined, at a public hearing, ~~for~~ directly :*

19 ~~(1) Directly benefits a redevelopment area for mitigates ;~~

20 ~~(2) Promotes efficiency, coordination and economy in design and~~
21 ~~construction; and~~

22 ~~(3) Mitigates any adverse effect upon a redevelopment area that is caused~~
23 ~~by ~~for a redevelopment project~~ the private development, including, without~~
24 ~~limitation, disruption caused by construction activity;~~

25 (c) *Which would otherwise qualify as a public work pursuant to NRS*
26 *338.010; and*

27 (d) *For which the developer will receive a monetary contribution or refund*
28 *from a public body as reimbursement for a portion of the costs of the project.*

29 2. ~~If, pursuant to the provisions of such a contract, the developer is not~~
30 ~~responsible for paying all of the initial construction costs of the project, the~~ *The*
31 *provisions of NRS 338.013 to 338.090, inclusive, apply to ~~the contract~~ a*
32 *contract described in subsection 1.*

33 3. *As used in this section, “public improvement project” means any street,*
34 *alley, curb, gutter, sidewalk, median, street lighting, traffic control equipment*
35 *and signage, water system, sewerage system, drainage system, fire hydrant, utility*
36 *facility or landscaping that will be owned by a public body.*

37 **Sec. 4.** NRS 279.382 is hereby amended to read as follows:

38 279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, *and*
39 *section 3 of this act* may be cited as the Community Redevelopment Law.

40 **Sec. 5.** NRS 279.384 is hereby amended to read as follows:

41 279.384 As used in NRS 279.382 to 279.685, inclusive, *and section 3 of this*
42 *act*, unless the context otherwise requires, the words and terms defined in NRS
43 279.386 to 279.414, inclusive, have the meanings ascribed to them in those
44 sections.

45 **Sec. 6.** NRS 279.498 is hereby amended to read as follows:

46 279.498 ~~Any~~ *Except as otherwise provided in section 3 of this act, any*
47 *work of grading, clearing, demolition or construction in excess of \$10,000*
48 *undertaken by the agency must be done by contract after competitive bids.*

49 **Sec. 7.** NRS 279.500 is hereby amended to read as follows:

50 279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, *and*
51 *section 1 of this act* apply to any contract for new construction, repair or
52 reconstruction which is awarded on or after October 1, 1991, by an agency for work
53 to be done in a *redevelopment* project.

2. If an agency provides property for development at less than the fair market value of the property, or provides financial incentives to the developer with a value of more than \$100,000, the agency must provide in the agreement with the developer that the development project is subject to the provisions of NRS 338.010 to 338.090, inclusive, *and section 1 of this act* to the same extent as if the agency had awarded the contract for the *redevelopment* project. This subsection applies only to the *redevelopment* project covered by the agreement between the agency and the developer. This subsection does not apply to future development of the property unless additional financial incentives with a value of more than \$100,000 are provided to the developer.

Sec. 8. This act becomes effective upon passage and approval.