

Amendment No. 900

Assembly Amendment to Senate Bill No. 234 First Reprint (BDR 28-490)

Proposed by: Assembly 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.

MSM/EGO



Date: 5/21/2007

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) 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)~~ \$45 million or more; (2) that a legislative body has determined, at a public hearing, directly benefit a redevelopment area, promote efficiency, coordination and economy in design and construction, and mitigate any adverse effect upon the redevelopment area that is caused by the private development; (3) ~~which would otherwise be considered public works,~~ **that are adjacent or appurtenant to the private development;** and (4) for which the developer will receive ~~for~~ monetary ~~contribution or refund~~ **compensation** 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.

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

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

2 338.050 For the purpose of NRS 338.010 to 338.090, inclusive, *and section 1*
3 *of this act*, except as otherwise provided by specific statute, every workman who
4 performs work for a public work covered by a contract therefor is subject to all of
5 the provisions of NRS 338.010 to 338.090, inclusive, *and section 1 of this act*,
6 regardless of any contractual relationship alleged to exist between such workman
7 and his employer.

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

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

13 (a) *That is constructed within a redevelopment area by a private developer*
14 *for the benefit of a private development that consists of one or more buildings for*
15 *which the estimated cost is ~~is \$20,000,000~~ \$45,000,000 or more;*

16 (b) *That a legislative body has determined, at a public hearing:*

17 (1) *Directly benefits a redevelopment area;*

18 (2) *Promotes efficiency, coordination and economy in design and*
19 *construction; and*

20 (3) *Mitigates any adverse effect upon a redevelopment area that is caused*
21 *by the private development, including, without limitation, disruption caused by*
22 *construction activity;*

23 (c) ~~*Which would otherwise qualify as a public work pursuant to NRS*~~
24 ~~*338.010.*~~ *That is adjacent or appurtenant to the private development; and*

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

28 2. *The provisions of NRS 338.013 to 338.090, inclusive, apply to a contract*
29 *described in subsection 1.*

30 3. *If a private developer enters into a contract for the construction of a*
31 *public improvement project as described in subsection 1, the private developer*
32 *shall enter into a contract with a prime contractor to provide work, materials or*
33 *equipment for the public improvement project. Such a prime contractor must be:*

34 (a) *Licensed pursuant to chapter 624 of NRS; and*

35 (b) *Selected by the private developer pursuant to a process of competitive*
36 *bidding.*

37 4. *As used in this section ~~is~~ "public":*

38 (a) *"Prime contractor" has the meaning ascribed to it in NRS 624.6086.*

39 (b) *"Public improvement project" means any street, alley, curb, gutter,*
40 *sidewalk, median, street lighting, traffic control equipment and signage, water*
41 *system, sewerage system, drainage system, fire hydrant, utility facility or*
42 *landscaping that will be owned by a public body.*

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

44 279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, *and*
45 *section 3 of this act* may be cited as the Community Redevelopment Law.

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

47 279.384 As used in NRS 279.382 to 279.685, inclusive, *and section 3 of this*
48 *act*, unless the context otherwise requires, the words and terms defined in NRS
49 279.386 to 279.414, inclusive, have the meanings ascribed to them in those
50 sections.

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

2 279.498 ~~Any~~ *Except as otherwise provided in section 3 of this act, any*
3 work of grading, clearing, demolition or construction in excess of \$10,000
4 undertaken by the agency must be done by contract after competitive bids.

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

6 279.500 1. The provisions of NRS 338.010 to 338.090, inclusive, *and*
7 *section 1 of this act* apply to any contract for new construction, repair or
8 reconstruction which is awarded on or after October 1, 1991, by an agency for work
9 to be done in a *redevelopment* project.

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

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