

Amendment No. 827

Assembly Amendment to Senate Bill No. 43 First Reprint	(BDR 28-323)
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 dashed underlining* is newly added transitory language.

S.B. No. 43—Revises the criteria that the State Public Works Board is required to adopt to determine the qualification of bidders on contracts for public works. (BDR 28-323)



SENATE BILL NO. 43—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE STATE PUBLIC WORKS BOARD)

PREFILED DECEMBER 5, 2008

Referred to Committee on Government Affairs

SUMMARY—Revises the criteria that the State Public Works Board is required to adopt to determine the qualification of bidders on contracts for public works. (BDR 28-323)

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; revising the criteria that the State Public Works Board is required to adopt to determine the qualification of bidders on contracts for public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises the criteria that the State Public Works Board is required to adopt to determine the qualification of bidders on contracts for public works to include whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for ***improper*** conduct ***of a serious nature*** that relates to the ability of the applicant to perform the public work. (NRS 338.1375)

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

Section 1. NRS 338.1375 is hereby amended to read as follows:

338.1375 1. The State Public Works Board shall not accept a bid on a contract for a public work unless the contractor who submits the bid has qualified pursuant to NRS 338.1379 to bid on that contract.

2. The State Public Works Board shall by regulation adopt criteria for the qualification of bidders on contracts for public works of this State. The criteria adopted by the State Public Works Board pursuant to this section must be used by the State Public Works Board to determine the qualification of bidders on contracts for public works of this State.

3. The criteria adopted by the State Public Works Board pursuant to this section:

1 (a) Must be adopted in such a form that the determination of whether an
2 applicant is qualified to bid on a contract for a public work does not require or
3 allow the exercise of discretion by any one person.

4 (b) May include only:

5 (1) The financial ability of the applicant to perform a contract;

6 (2) The principal personnel of the applicant;

7 (3) Whether the applicant has breached any contracts with a public body or
8 person in this State or any other state;

9 (4) Whether the applicant has been disqualified from being awarded a
10 contract pursuant to NRS 338.017 or 338.13895;

11 (5) *Whether the applicant has been disciplined or fined by the State*
12 *Contractors' Board or another state or federal agency for improper conduct of a*
13 *serious nature that relates to the ability of the applicant to perform the public*
14 *work;*

15 (6) The performance history of the applicant concerning other recent,
16 similar contracts, if any, completed by the applicant; and

17 ~~†(6)†~~ (7) The truthfulness and completeness of the application.

18 **Sec. 2.** This act becomes effective upon passage and approval.