

CHAPTER.....

AN ACT relating to public works; revising provisions governing the awarding of certain smaller contracts of the Department of Transportation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to advertise and mail bid invitations to interested bidders on contracts for highway projects with an estimated cost of \$250,000 or less. (NRS 408.367) This bill changes those requirements to provide that the Director must: (1) if the project is \$50,000 or less, solicit a bid from at least one licensed contractor; or (2) if the project is more than \$50,000 but not more than \$250,000, solicit bids from at least three licensed contractors. This bill also requires that any such bids received may be rejected based on certain criteria and requires the Director to prepare and maintain a quarterly report that details the larger contracts that were awarded. The requirements in this bill mirror the requirements from which the Department is exempt but which are imposed on the State and local governments for awarding contracts for public works with an estimated cost of \$100,000 or less. (NRS 338.1373, 338.13862)

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

Sections 1-7. (Deleted by amendment.)

Sec. 8. NRS 408.367 is hereby amended to read as follows:

408.367 1. With the approval of the Board, the Director may receive informal bids and award contracts for highway construction, reconstruction, improvements, and maintenance on projects estimated to cost not in excess of \$250,000.

2. ~~{Such informal bids must be submitted in accordance with due advertisement thereof being published for at least one publication in any newspaper or publication.~~

~~—3.— The Department shall mail a copy of the bid invitation to all bidders who are on record with the Department as desiring to receive bid invitations on projects estimated to cost not in excess of \$250,000.~~

~~—4.—~~ *Before awarding a contract pursuant to subsection 1, the Director must:*

(a) If the estimated cost of the project is \$50,000 or less, solicit a bid from at least one properly licensed contractor; and

(b) If the estimated cost of the project is more than \$50,000 but not more than \$250,000, solicit bids from at least three properly licensed contractors.



3. Any bids received in response to a solicitation for bids made pursuant to subsection 2 may be rejected if the Director determines that:

- (a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;
- (b) The bidder is not responsive or responsible; or
- (c) The public interest would be served by such a rejection.

4. At least once each quarter, the Director shall prepare a report detailing, for each project for which a contract for its completion is awarded pursuant to paragraph (b) of subsection 2, if any:

- (a) The name of the contractor to whom the contract was awarded;
- (b) The amount of the contract awarded;
- (c) A brief description of the project; and
- (d) The names of all contractors from whom bids were solicited.

5. A report prepared pursuant to subsection 4 is a public record and must be maintained on file at the principal offices of the Department.

6. Except as otherwise provided in NRS 408.354, contracts awarded pursuant to the provisions of this section must be accompanied by bonds and conditioned and executed in the name of the State of Nevada, and must be signed by the Director under the seal of the Department, and by the contracting party or parties. The form and legality of those contracts must be approved by the Attorney General or Chief Counsel of the Department.

Sec. 9. This act becomes effective on July 1, 2009.

