

ASSEMBLY BILL NO. 263—ASSEMBLYMEN NEAL; AIZLEY,  
BUSTAMANTE ADAMS, FLORES, FRIERSON, HORNE AND  
MUNFORD

MARCH 15, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions governing bidding on certain  
highway projects. (BDR 35-792)

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 highways; revising provisions relating to the  
experience and financial ability of a prospective bidder on  
a highway project; and providing other matters properly  
relating thereto.

**Legislative Counsel's Digest:**

1 Existing law requires a person who proposes to bid on a contract for a  
2 transportation project to provide the Director of the Department of Transportation  
3 with information on the person's financial ability and experience in performing  
4 similar public works. The Director may refuse to furnish a person with the  
5 necessary forms and information to submit a bid on the contract if the Director  
6 finds the person insufficiently qualified. (NRS 408.333) If the Director considers a  
7 person's past performance on contracts or volume of business in determining  
8 whether the person is qualified to bid on a transportation project, this bill requires  
9 the Director to consider the person's past performance and volume of business on  
10 all contracts for public works and any other comparable experience rather than  
11 considering only such information relating to transportation projects.

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

1 **Section 1.** NRS 408.333 is hereby amended to read as follows:  
2 408.333 Except as otherwise provided in NRS 408.3875 to  
3 408.3887, inclusive:  
4 1. Before furnishing any person proposing to bid on any  
5 advertised work with the plans and specifications for such work, the



\* A B 2 6 3 \*

1 Director shall require from the person a statement, verified under  
2 oath, in the form of answers to questions contained in a standard  
3 form of questionnaire and financial statement, which must include a  
4 complete statement of the person's financial ability and experience  
5 in performing public work . ~~of a similar nature.~~ *If the Director*  
6 *requests or considers information concerning the person's past*  
7 *performance on contracts or volume of business, the Director may*  
8 *not limit his or her request or consideration to such information*  
9 *concerning contracts for transportation projects but must request*  
10 *and consider such information concerning all contracts for public*  
11 *works and any other comparable experience.*

12 2. Such statements must be filed with the Director in ample  
13 time to permit the Department to verify the information contained  
14 therein in advance of furnishing proposal forms, plans and  
15 specifications to any person proposing to bid on the advertised  
16 public work, in accordance with the regulations of the Department.

17 3. Whenever the Director is not satisfied with the sufficiency  
18 of the answers contained in the questionnaire and financial  
19 statement, the Director may refuse to furnish the person with plans  
20 and specifications and the official proposal forms on the advertised  
21 project. If the Director determines that the person has, within the  
22 preceding year, breached a contract for a public work for which the  
23 cost exceeds \$25,000,000 by failing to comply with a requirement  
24 of paragraphs (a) to (e), inclusive, of subsection 1 of NRS 338.0117,  
25 the Director shall refuse to furnish the person with plans and  
26 specifications and the official proposal forms on the advertised  
27 project. Any bid of any person to whom plans and specifications and  
28 the official proposal forms have not been issued in accordance with  
29 this section must be disregarded, and the certified check, cash or  
30 undertaking of such a bidder returned forthwith.

31 4. Any person who is disqualified by the Director, in  
32 accordance with the provisions of this section, may request, in  
33 writing, a hearing before the Director and present again the person's  
34 check, cash or undertaking and such further evidence with respect to  
35 the person's financial responsibility, organization, plant and  
36 equipment, or experience, as might tend to justify, in his or her  
37 opinion, issuance to him or her of the plans and specifications for  
38 the work.

39 5. Such a person may appeal the decision of the Director to the  
40 Board no later than 5 days before the opening of the bids on the  
41 project. If the appeal is sustained by the Board, the person must be  
42 granted the rights and privileges of all other bidders.

43 **Sec. 2.** This act becomes effective on July 1, 2013.

