

SENATE BILL NO. 217—SENATOR MANENDO (BY REQUEST)

MARCH 7, 2013

Referred to Committee on Transportation

SUMMARY—Revises provisions relating to the manner of performing work on roads in smaller counties. (BDR 35-925)

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 county roads; revising provisions relating to the manner of performing work for the construction and repair of roads and bridges in smaller counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, in a county whose population is less than 100,000
2 (currently all counties other than Clark and Washoe Counties), the county
3 commissioners of the county make up the board of county highway commissioners.
4 (NRS 403.010) With exceptions for emergencies and instances in which a county
5 performs its own work with day labor and county equipment, if the construction of
6 any superstructure related to a county road may require the expenditure of \$500 or
7 more, the board of county highway commissioners is required to advertise for bids
8 and let contracts pursuant to certain competitive bidding provisions imposed on
9 local government. (NRS 332.039, 403.490) **Section 1** of this bill provides that if the
10 probable cost of road work does not exceed \$100,000, a county may advertise for
11 bids and let contracts pursuant to chapter 332 or 338 of NRS or may perform its
12 own work with county employees or day labor and using county equipment. If the
13 probable cost of the work exceeds \$100,000, a county is required to advertise for
14 bids and let contracts pursuant to chapter 332 or 338 of NRS, except that, in a
15 county whose population is less than 45,000 (currently Churchill, Esmeralda,
16 Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White
17 Pine Counties), the board of county highway commissioners may instead
18 determine, at a hearing and with the provision of certain notice requirements, to
19 perform the work with county employees or day labor and using county equipment
20 if the estimated cost of the project is more than \$100,000 but less than \$250,000.
21 **Section 2** of this bill makes a parallel, conforming change with respect to the
22 construction and repair of bridges.



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

1 **Section 1.** NRS 403.490 is hereby amended to read as follows:
2 403.490 1. To perform any work or construct any
3 superstructure under this chapter wherein an expenditure of ~~[\$500]~~
4 **\$100,000** or more may be necessary, the board of county highway
5 commissioners shall cause definite plans of such work or
6 superstructure to be made, estimates of the amount of work to be
7 done and the probable cost thereof, together with a copy of the
8 specifications thereof.

9 2. ~~[Upon]~~ **Except as otherwise provided in subsection 3, upon**
10 receipt of the plans, estimates and specifications ~~[]~~ **for a project for**
11 **which the estimated cost is \$100,000 or more,** the board of county
12 highway commissioners shall advertise for bids and let contracts in
13 the manner prescribed by chapter 332 ~~or 338~~ of NRS ~~[]~~ , **as**
14 **applicable.**

15 3. ~~[After submission of bids, the board of county highway~~
16 ~~commissioners may reject any and all bids and advertise anew, or~~
17 ~~the board may order the work done by day's work under the~~
18 ~~supervision of the county road supervisor.]~~ **In a county whose**
19 **population is less than 45,000, if the estimated cost of a project is**
20 **\$100,000 or more but less than \$250,000, the board of county**
21 **highway commissioners may hold a hearing to determine, by**
22 **majority vote of the board, if the project can be performed by**
23 **county employees or through the employment of day labor under**
24 **the supervision of the board and by the use of its own machinery,**
25 **tools and other equipment without advertising for bids and letting**
26 **contracts pursuant to subsection 2. Notice for such a hearing must**
27 **be provided not less than 15 days before the date of the hearing**
28 **and must be published pursuant to the provisions of NRS 238.010**
29 **to 238.080, inclusive. The board shall provide, in the notice and at**
30 **least 15 days before the hearing at the office of the board and at**
31 **the place of the hearing, the following information, without**
32 **limitation:**

33 **(a) A list of:**

34 **(1) All county employees, if any, including supervisors, who**
35 **will perform the work, including, without limitation, the**
36 **classification of each employee and an estimate of the direct and**
37 **indirect costs of the labor;**

38 **(2) The number of day laborers, if any, that will be**
39 **employed to perform the work; and**

40 **(3) All machinery, tools and other equipment of the county**
41 **to be used on the project.**

42 **(b) An estimate of:**



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1 (1) *The direct and indirect costs of the labor of the county*
2 *employees who will perform the work, if any;*

3 (2) *The direct and indirect costs of the labor of any day*
4 *laborers who will be employed to perform the work pursuant to*
5 *chapter 338 of NRS;*

6 (3) *The cost of any administrative support that will be*
7 *required for the performance of the work;*

8 (4) *The total cost of the project, including, without*
9 *limitation, the fair market value or, if available, the actual cost of*
10 *all materials, supplies, equipment and labor necessary for the*
11 *project; and*

12 (5) *The amount of savings to be realized by having county*
13 *employees or day laborers perform the work.*

14 4. In cases of emergency the board of county highway
15 commissioners may let contracts for repairs in the manner
16 prescribed by chapter 332 of NRS.

17 5. Nothing in this section shall prevent any county from
18 opening, building, improving or repairing any public road or
19 highway in the county ~~by the~~ *through the work of county*
20 *employees or the* employment of day labor, under the supervision of
21 the board of county highway commissioners and by the use of its
22 own machinery, tools and other equipment, without letting contracts
23 to the lowest responsible bidder, ~~irrespective of~~ *if* the probable
24 cost of the work ~~it~~ *does not exceed \$100,000.*

25 **Sec. 2.** NRS 403.600 is hereby amended to read as follows:

26 403.600 1. No bridge shall be constructed or repaired except
27 on the order of the board of county commissioners, or unless a
28 petition is filed as provided in NRS 403.610.

29 2. In entering into a contract for the construction or repair of a
30 bridge, the board of county commissioners shall comply with
31 ~~chapter 332 of~~ NRS ~~it~~ *403.610.*

32 **Sec. 3.** This act becomes effective on July 1, 2013.

