

**Amendment No. 824**

Assembly Amendment to Senate Bill No. 340 First Reprint (BDR 28-255)

**Proposed by:** Assembly Committee on Government Affairs

**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

HAC/JWP



Date: 5/17/2015

S.B. No. 340—Revises provisions governing public works. (BDR 28-255)



SENATE BILL NO. 340—SENATORS SMITH, FORD, SPEARMAN, PARKS; ATKINSON,  
DENIS, KIHUEN, MANENDO AND WOODHOUSE

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN CARRILLO;  
ARAUJO, JOINER, SPIEGEL AND SPRINKLE

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing public works. (BDR 28-255)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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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; disqualifying a contractor from being awarded a contract for a public work under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Labor Commissioner to impose an administrative penalty against a person who violates certain provisions related to contracts for public works in this State. (NRS 338.015) A person against whom such an administrative penalty is imposed may not be awarded a contract for a public work for a period of 3 years, and upon a second or subsequent offense, for a period of 5 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for public works, such a person is also subject to the suspension of his or her contractor's license by the State Contractors' Board for the length of the prohibition. (NRS 624.300)

Under federal law, a contractor may be excluded for a period of time from receiving contracts from the Federal Government if the contractor is debarred. (48 C.F.R. §§ 9.400 et seq.)

This bill provides that, if a contractor is excluded for a period of time from receiving contracts from the Federal Government as a result of being debarred, the contractor may not be awarded a contract for a public work in this State for the longer of: (1) 4 years after the date on which the Labor Commissioner becomes aware of the exclusion; or (2) the length of the term of debarment.

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

**Section 1.** NRS 338.017 is hereby amended to read as follows:

338.017 *1.* If any administrative penalty is imposed *pursuant to this chapter* against a person for the commission of an offense ~~+~~

1 ~~1. That~~, *that* person, and the corporate officers, if any, of that person, may  
2 not be awarded a contract for a public work:

3 (a) For the first offense, for a period of 3 years after the date of the imposition  
4 of the administrative penalty; and

5 (b) For the second or subsequent offense, for a period of 5 years after the date  
6 of the imposition of the administrative penalty.

7 2. *A person, and the corporate officers, if any, of that person, who is  
8 identified in the System for Award Management Exclusions operated by the  
9 General Services Administration as being excluded from receiving contracts from  
10 the Federal Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of  
11 being debarred may not be awarded a contract for a public work:*

12 *(a) For a period of 4 years after the date on which the Labor Commissioner  
13 is made aware of the exclusion from receiving contracts from the Federal  
14 Government; or*

15 *(b) For the period of debarment of the contractor from receiving contracts  
16 from the Federal Government,*

17 *↳ whichever is longer.*

18 3. *The Labor Commissioner, upon learning that a contractor has been  
19 excluded from receiving contracts from the Federal Government pursuant to 48  
20 C.F.R. §§ 9.400 et seq. as a result of being debarred, shall disqualify the  
21 contractor from being awarded a contract for a public work as provided in  
22 subsection 2.*

23 4. The Labor Commissioner shall notify the State Contractors' Board of each  
24 contractor who is prohibited *or disqualified* from being awarded a contract for a  
25 public work pursuant to this section.

26 Sec. 2. ~~[This act becomes effective on July 1, 2015.]~~ (Deleted by  
27 amendment.)