

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, proposed for debarment, suspended or declared ineligible based on various enumerated causes. (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, proposed for debarment, suspended or declared ineligible, the contractor may not be awarded a contract for a public work in this State for the longer of: (1) 4 years from the date on which the Labor Commissioner becomes aware of the exclusion;



19 or (2) the length of the term of debarment, proposed debarment, suspension or
20 ineligibility.

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

- 1 **Section 1.** NRS 338.017 is hereby amended to read as follows:
2 338.017 **1.** If any administrative penalty is imposed *pursuant*
3 *to this chapter* against a person for the commission of an offense ~~+~~
4 ~~1. That~~, *that* person, and the corporate officers, if any, of that
5 person, may not be awarded a contract for a public work:
6 (a) For the first offense, for a period of 3 years after the date of
7 the imposition of the administrative penalty; and
8 (b) For the second or subsequent offense, for a period of 5 years
9 after the date of the imposition of the administrative penalty.
10 **2.** *A person, and the corporate officers, if any, of that person,*
11 *who is identified in the System for Award Management Exclusions*
12 *operated by the General Services Administration as being*
13 *excluded from receiving contracts from the Federal Government*
14 *pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of being*
15 *debarred, proposed for debarment, suspended or declared*
16 *ineligible may not be awarded a contract for a public work:*
17 (a) *For a period of 4 years from the date that the Labor*
18 *Commissioner is made aware of the exclusion from receiving*
19 *contracts from the Federal Government; or*
20 (b) *For the period of debarment, proposed debarment,*
21 *suspension or ineligibility of the contractor from receiving*
22 *contracts from the Federal Government,*
23 *↪ whichever is longer.*
24 **3.** *The Labor Commissioner, upon learning that a contractor*
25 *has been excluded from receiving contracts from the Federal*
26 *Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of*
27 *being debarred, proposed for debarment, suspended or declared*
28 *ineligible shall disqualify the contractor from being awarded a*
29 *contract for a public work as provided in subsection 2.*
30 **4.** The Labor Commissioner shall notify the State Contractors'
31 Board of each contractor who is prohibited *or disqualified* from
32 being awarded a contract for a public work pursuant to this section.
33 **Sec. 2.** This act becomes effective on July 1, 2015.

