

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:

- 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 may not be awarded a contract for a public work:*
16 (a) *For a period of 4 years after the date on which the Labor*
17 *Commissioner is made aware of the exclusion from receiving*
18 *contracts from the Federal Government; or*
19 (b) *For the period of debarment of the contractor from*
20 *receiving contracts from the Federal Government,*
21 *↪ whichever is longer.*
22 **3.** *The Labor Commissioner, upon learning that a contractor*
23 *has been excluded from receiving contracts from the Federal*
24 *Government pursuant to 48 C.F.R. §§ 9.400 et seq. as a result of*
25 *being debarred, shall disqualify the contractor from being*
26 *awarded a contract for a public work as provided in subsection 2.*
27 **4.** The Labor Commissioner shall notify the State Contractors'
28 Board of each contractor who is prohibited *or disqualified* from
29 being awarded a contract for a public work pursuant to this section.
30 **Sec. 2.** This act becomes effective on July 1, 2015.

