

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 term of the debarment.



* S B 3 4 0 R 3 *

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

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

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

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

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

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

Sec. 2. (Deleted by amendment.)

