

SENATE BILL NO. 67—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public works. (BDR 28-400)

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 public works; authorizing a public body to enter into a job order contract for the maintenance, repair, alteration, demolition, renovation, remediation or minor construction of a public work; prescribing the procedure for awarding a job order contract; making certain documents and other information submitted by a person seeking a job order contract confidential until a contract is awarded; prescribing responsibilities of a contractor who enters into a job order contract; revising provisions relating to the expedited process by which the State or a local government solicits bids and awards contracts for certain smaller public works projects or completes such projects itself; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prescribes general procedures for awarding a contract for a public
2 work. (Chapter 338 of NRS) Existing law also authorizes a local government to
3 comply with alternative procedures for awarding a contract for a public work. (NRS
4 338.1373) **Section 2** of this bill creates a new alternative procedure for awarding a
5 contract for a public work by authorizing a public body to enter into job order
6 contracts for the maintenance, repair, alteration, demolition, renovation,
7 remediation or minor construction of a public work. **Section 2** requires such a
8 contract to be for a fixed period and provide for indefinite types and quantities of
9 work and delivery times. **Section 2** also limits the total amount of job order
10 contracts that may be awarded annually by each public body. **Section 11** of this bill



11 makes a conforming change as a result of this additional authority for a local
12 government to use job order contracting to award a contract for a public work.

13 **Section 3** of this bill prescribes the qualifications a contractor who wishes to
14 enter into a job order contract must meet. **Section 4** of this bill requires a public
15 body or its authorized representative to advertise for proposals for job order
16 contracts. **Section 4** also prescribes: (1) the contents of such advertisements; and
17 (2) requirements for proposals. **Sections 5 and 15** of this bill make any document
18 or other information submitted to a public body in response to a request for
19 proposals for a job order contract confidential and prohibit the disclosure of any
20 such document or information until the contract is awarded.

21 **Section 6** of this bill prescribes the method for selecting a contractor for a job
22 order contract. Specifically, **section 6** requires a public body or its authorized
23 representative to appoint a panel to rank the proposals submitted in response to the
24 request for proposals and award a job order contract to one or more applicants.
25 **Section 6** limits the initial term of a job order contract to 2 years and authorizes a
26 public body to renew a job order contract for not more than 3 years after the
27 expiration of the initial term of the job order contract.

28 **Section 7** of this bill prescribes certain responsibilities of a contractor who
29 enters into a job order contract relating to contracting for the services of a
30 subcontractor, supplier or independent contractor. **Section 7** also prohibits a
31 contractor who enters into a job order contract from performing more than 50
32 percent of the estimated cost of a work order himself or herself, or using his or her
33 own employees unless the contractor is able to demonstrate to the public body that
34 the contractor or his or her employees have performed recent similar work.

35 **Section 2** requires a job order contract to provide for the use of work orders,
36 which are defined in **section 10** of this bill as an order issued for a definite scope of
37 work to be performed pursuant to a job order contract. **Section 8** of this bill
38 prescribes certain requirements for a work order and requires the approval of the
39 governing body of a public body for any work order for which the estimated cost
40 exceeds \$1,000,000. **Section 9** of this bill requires a public body to report certain
41 information relating to work orders to the governing body of the public body on or
42 before the end of each contract year of the job order contract.

43 Existing law provides for an expedited process by which the State or a local
44 government solicits bids and awards contracts for certain public works projects for
45 which the estimated cost is \$100,000 or less to properly licensed contractors or
46 completes such projects itself. (NRS 338.1386) **Section 12** of this bill increases,
47 from \$100,000 to \$250,000, the estimated cost of a public work eligible for this
48 expedited process. **Sections 13 and 14** of this bill make conforming changes to
49 reflect the increase in the estimated cost of a public work eligible for the expedited
50 process.

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

1 **Section 1.** Chapter 338 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2. 1. Except as otherwise provided in subsections 2**
5 **and 3, a public body may award a job order contract for the**
6 ***maintenance, repair, alteration, demolition, renovation,***



1 *remediation or minor construction of a public work. A job order*
2 *contract must:*

3 *(a) Be for a fixed period;*

4 *(b) Provide for indefinite times of delivery and indefinite types*
5 *and quantities of work; and*

6 *(c) Provide for the use of work orders.*

7 *2. Except as otherwise provided in subsection 3, a public body*
8 *may not award more than \$25,000,000 annually in job order*
9 *contracts.*

10 *3. Except as otherwise provided in this subsection, if the total*
11 *amount of job order contracts awarded by a public body in any 1*
12 *year is less than the maximum amount of job order contracts*
13 *allowed to be awarded for that year, the difference between those*
14 *amounts must be added to the total amount of job order contracts*
15 *that a public body may award in the immediately following year up*
16 *to a maximum amount of \$50,000,000.*

17 **Sec. 3.** *To qualify to enter into a job order contract with a*
18 *public body, a contractor must:*

19 *1. Not have been found liable for breach of contract with*
20 *respect to a previous project, other than a breach for legitimate*
21 *cause, during the 5 years immediately preceding the date of the*
22 *advertisement for proposals pursuant to section 4 of this act;*

23 *2. Not have been disqualified from being awarded a contract*
24 *pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;*

25 *3. Be licensed as a contractor pursuant to chapter 624 of*
26 *NRS; and*

27 *4. If the project is for a public work of the State, be qualified*
28 *to bid on a public work of the State pursuant to NRS 338.1379.*

29 **Sec. 4.** *1. A public body or its authorized representative*
30 *shall advertise for proposals for a job order contract in the*
31 *manner set forth in paragraph (a) of subsection 1 of*
32 *NRS 338.1385.*

33 *2. Each advertisement for proposals pursuant to subsection 1*
34 *must include, without limitation:*

35 *(a) A detailed description of the work that the public body*
36 *expects a contractor to perform;*

37 *(b) A statement explaining why the public body elected to use a*
38 *job order contract for the public work;*

39 *(c) A description of the qualifications which are required for a*
40 *contractor, including, without limitation, any certification*
41 *required;*

42 *(d) A description of the bonding requirements for a contractor;*

43 *(e) The minimum amount of work committed to the selected*
44 *contractor under the contract;*



1 (f) *The proposed form of the job order contract, which must*
2 *include, without limitation, the procedure by which a work order*
3 *will be negotiated;*

4 (g) *A statement identifying each unit in the job order contract;*

5 (h) *A description of the method for pricing each unit identified*
6 *pursuant to paragraph (g);*

7 (i) *A description of the method for pricing a renewal or*
8 *extension of the job order contract;*

9 (j) *The date by which proposals must be submitted to the*
10 *public body; and*

11 (k) *A list of the selection criteria and relative weight of the*
12 *selection criteria that will be used to rank proposals submitted by*
13 *applicants pursuant to section 6 of this act.*

14 3. *A proposal must include, without limitation:*

15 (a) *The professional qualifications and experience of the*
16 *applicant;*

17 (b) *Evidence of the ability of the applicant to obtain the*
18 *necessary bonding for the work to be required by the public body;*

19 (c) *Evidence that the applicant has obtained or has the ability*
20 *to obtain such insurance as may be required by law;*

21 (d) *A statement of whether the applicant has been:*

22 (1) *Found liable for breach of contract with respect to a*
23 *previous project, other than a breach for legitimate cause, during*
24 *the 5 years immediately preceding the date of the advertisement*
25 *for proposals; and*

26 (2) *Disqualified from being awarded a contract pursuant to*
27 *NRS 338.017, 338.13895, 338.1475 or 408.333;*

28 (e) *Evidence that the applicant is licensed as a contractor*
29 *pursuant to chapter 624 of NRS; and*

30 (f) *Evidence that the applicant is qualified to bid on a public*
31 *work of the State pursuant to NRS 338.1379, if applicable.*

32 4. *The public body or its authorized representative shall make*
33 *available to the public the name of each applicant who submits a*
34 *proposal pursuant to this section.*

35 **Sec. 5.** *Except as otherwise provided in subsection 4 of*
36 *section 4 of this act, any document or other information submitted*
37 *by an applicant to a public body in response to a request for*
38 *proposals pursuant to section 4 of this act, including, without*
39 *limitation, a proposal made pursuant to section 4 of this act, is*
40 *confidential and may not be disclosed until a contract is awarded.*

41 **Sec. 6.** 1. *The public body or its authorized representative*
42 *shall appoint a panel to rank the proposals submitted by applicants*
43 *to the public body pursuant to section 4 of this act.*

44 2. *The panel appointed pursuant to subsection 1 shall rank*
45 *the proposals by:*



1 (a) *Verifying that each applicant satisfies the requirements of*
2 *section 3 of this act; and*

3 (b) *Evaluating and assigning a score to each of the proposals*
4 *based on the factors and relative weight assigned to each factor*
5 *that the public body specified in the request for proposals.*

6 3. *Upon receipt of the rankings of the applicants from the*
7 *panel, the public body or its authorized representative shall award*
8 *a job order contract to one or more of the applicants.*

9 4. *The initial term of a job order contract may not exceed 2*
10 *years. A public body may renew a job order contract for not more*
11 *than 3 years after the expiration of the initial term of the contract.*

12 **Sec. 7. 1.** *A contractor who enters into a job order contract*
13 *pursuant to section 6 of this act is responsible for:*

14 (a) *Contracting for the services of any necessary*
15 *subcontractor, supplier or independent contractor necessary to*
16 *complete a work order;*

17 (b) *Ensuring a subcontractor complies with the requirements*
18 *prescribed in subsection 6 of NRS 338.070; and*

19 (c) *The performance of and payment to any subcontractor,*
20 *supplier or independent contractor.*

21 2. *Except as otherwise provided in this subsection, a*
22 *contractor who enters into a job order contract pursuant to section*
23 *6 of this act may not perform more than 50 percent of the*
24 *estimated cost of the work order himself or herself, or using his or*
25 *her own employees. A contractor or his or her own employees may*
26 *perform more than 50 percent of the estimated cost of the work*
27 *order if the contractor is able to demonstrate to the public body*
28 *that the contractor or his or her employees have performed similar*
29 *work recently.*

30 **Sec. 8. 1.** *Except as otherwise provided in section 7 of this*
31 *act, in negotiating a work order for a job order contract, a*
32 *contractor must submit to the public body that awarded the job*
33 *order contract a list of each subcontractor whom the contractor*
34 *intends to engage for work on the work order. A contractor shall*
35 *notify the public body of any substitution made to the list as soon*
36 *as practicable.*

37 2. *The governing body of a public body must approve any*
38 *work order for which the estimated cost exceeds \$1,000,000.*

39 **Sec. 9.** *On or before the end of each contract year for a job*
40 *order contract, a public body shall report to the governing body of*
41 *the public body:*

42 1. *A list of each work order issued pursuant to a job order*
43 *contract;*

44 2. *The cost of each work order;*



1 **3. A list of each subcontractor hired to perform work for each**
2 **work order; and**

3 **4. Any other information requested by the governing body.**

4 **Sec. 10.** NRS 338.010 is hereby amended to read as follows:

5 338.010 As used in this chapter:

6 1. "Authorized representative" means a person designated by a
7 public body to be responsible for the development, solicitation,
8 award or administration of contracts for public works pursuant to
9 this chapter.

10 2. "Bona fide fringe benefit" means a benefit in the form of a
11 contribution that is made not less frequently than monthly to an
12 independent third party pursuant to a fund, plan or program:

13 (a) Which is established for the sole and exclusive benefit of a
14 worker and his or her family and dependents; and

15 (b) For which none of the assets will revert to, or otherwise be
16 credited to, any contributing employer or sponsor of the fund, plan
17 or program.

18 ➤ The term includes, without limitation, benefits for a worker that
19 are determined pursuant to a collective bargaining agreement and
20 included in the determination of the prevailing wage by the Labor
21 Commissioner pursuant to NRS 338.030.

22 3 "Contract" means a written contract entered into between a
23 contractor and a public body for the provision of labor, materials,
24 equipment or supplies for a public work.

25 4. "Contractor" means:

26 (a) A person who is licensed pursuant to the provisions of
27 chapter 624 of NRS.

28 (b) A design-build team.

29 5. "Day labor" means all cases where public bodies, their
30 officers, agents or employees, hire, supervise and pay the wages
31 thereof directly to a worker or workers employed by them on public
32 works by the day and not under a contract in writing.

33 6. "Design-build contract" means a contract between a public
34 body and a design-build team in which the design-build team agrees
35 to design and construct a public work.

36 7. "Design-build team" means an entity that consists of:

37 (a) At least one person who is licensed as a general engineering
38 contractor or a general building contractor pursuant to chapter 624
39 of NRS; and

40 (b) For a public work that consists of:

41 (1) A building and its site, at least one person who holds a
42 certificate of registration to practice architecture pursuant to chapter
43 623 of NRS.

44 (2) Anything other than a building and its site, at least one
45 person who holds a certificate of registration to practice architecture



1 pursuant to chapter 623 of NRS or landscape architecture pursuant
2 to chapter 623A of NRS or who is licensed as a professional
3 engineer pursuant to chapter 625 of NRS.

4 8. "Design professional" means:

5 (a) A person who is licensed as a professional engineer pursuant
6 to chapter 625 of NRS;

7 (b) A person who is licensed as a professional land surveyor
8 pursuant to chapter 625 of NRS;

9 (c) A person who holds a certificate of registration to engage in
10 the practice of architecture, interior design or residential design
11 pursuant to chapter 623 of NRS;

12 (d) A person who holds a certificate of registration to engage in
13 the practice of landscape architecture pursuant to chapter 623A of
14 NRS; or

15 (e) A business entity that engages in the practice of professional
16 engineering, land surveying, architecture or landscape architecture.

17 9. "Discrete project" means one or more public works which
18 are undertaken on a single construction site for a single public body.
19 The term does not include one or more public works that are
20 undertaken on multiple construction sites regardless of whether the
21 public body which sponsors or finances the public works bundles
22 the public works together.

23 10. "Division" means the State Public Works Division of the
24 Department of Administration.

25 11. "Eligible bidder" means a person who is:

26 (a) Found to be a responsible and responsive contractor by a
27 local government or its authorized representative which requests
28 bids for a public work in accordance with paragraph (b) of
29 subsection 1 of NRS 338.1373; or

30 (b) Determined by a public body or its authorized representative
31 which awarded a contract for a public work pursuant to NRS
32 338.1375 to 338.139, inclusive, to be qualified to bid on that
33 contract pursuant to NRS 338.1379 or 338.1382.

34 12. "General contractor" means a person who is licensed to
35 conduct business in one, or both, of the following branches of the
36 contracting business:

37 (a) General engineering contracting, as described in subsection 2
38 of NRS 624.215.

39 (b) General building contracting, as described in subsection 3 of
40 NRS 624.215.

41 13. "Governing body" means the board, council, commission
42 or other body in which the general legislative and fiscal powers of a
43 local government are vested.

44 14. ***Job order contract*** means a contract entered into
45 ***pursuant to section 6 of this act.***



1 **15.** “Local government” means every political subdivision or
2 other entity which has the right to levy or receive money from ad
3 valorem or other taxes or any mandatory assessments, and includes,
4 without limitation, counties, cities, towns, boards, school districts
5 and other districts organized pursuant to chapters 244A, 318, 318A,
6 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750,
7 inclusive, and any agency or department of a county or city which
8 prepares a budget separate from that of the parent political
9 subdivision. The term includes a person who has been designated by
10 the governing body of a local government to serve as its authorized
11 representative.

12 ~~15.1~~ **16.** “Offense” means:

13 (a) Failing to:

14 (1) Pay the prevailing wage required pursuant to this chapter;

15 (2) Pay the contributions for unemployment compensation
16 required pursuant to chapter 612 of NRS;

17 (3) Provide and secure compensation for employees required
18 pursuant to chapters 616A to 617, inclusive, of NRS; or

19 (4) Comply with subsection 5 or 6 of NRS 338.070.

20 (b) Discharging an obligation to pay wages in a manner that
21 violates the provisions of NRS 338.035.

22 ~~16.1~~ **17.** “Prime contractor” means a contractor who:

23 (a) Contracts to construct an entire project;

24 (b) Coordinates all work performed on the entire project;

25 (c) Uses his or her own workforce to perform all or a part of the
26 public work; and

27 (d) Contracts for the services of any subcontractor or
28 independent contractor or is responsible for payment to any
29 contracted subcontractors or independent contractors.

30 ➔ The term includes, without limitation, a general contractor or a
31 specialty contractor who is authorized to bid on a project pursuant to
32 NRS 338.139 or 338.148.

33 ~~17.1~~ **18.** “Public body” means the State, county, city, town,
34 school district or any public agency of this State or its political
35 subdivisions sponsoring or financing a public work.

36 ~~18.1~~ **19.** “Public work” means any project for the new
37 construction, repair or reconstruction of a project financed in whole
38 or in part from public money for:

39 (a) Public buildings;

40 (b) Jails and prisons;

41 (c) Public roads;

42 (d) Public highways;

43 (e) Public streets and alleys;

44 (f) Public utilities;

45 (g) Publicly owned water mains and sewers;



1 (h) Public parks and playgrounds;
2 (i) Public convention facilities which are financed at least in part
3 with public money; and

4 (j) All other publicly owned works and property.

5 ~~[19-]~~ 20. "Specialty contractor" means a person who is licensed
6 to conduct business as described in subsection 4 of NRS 624.215.

7 ~~[20-]~~ 21. "Stand-alone underground utility project" means an
8 underground utility project that is not integrated into a larger
9 project, including, without limitation:

10 (a) An underground sewer line or an underground pipeline for
11 the conveyance of water, including facilities appurtenant thereto;
12 and

13 (b) A project for the construction or installation of a storm drain,
14 including facilities appurtenant thereto,

15 ➔ that is not located at the site of a public work for the design and
16 construction of which a public body is authorized to contract with a
17 design-build team pursuant to subsection 2 of NRS 338.1711.

18 ~~[21-]~~ 22. "Subcontract" means a written contract entered into
19 between:

20 (a) A contractor and a subcontractor or supplier; or

21 (b) A subcontractor and another subcontractor or supplier,
22 ➔ for the provision of labor, materials, equipment or supplies for a
23 construction project.

24 ~~[22-]~~ 23. "Subcontractor" means a person who:

25 (a) Is licensed pursuant to the provisions of chapter 624 of NRS
26 or performs such work that the person is not required to be licensed
27 pursuant to chapter 624 of NRS; and

28 (b) Contracts with a contractor, another subcontractor or a
29 supplier to provide labor, materials or services for a construction
30 project.

31 ~~[23-]~~ 24. "Supplier" means a person who provides materials,
32 equipment or supplies for a construction project.

33 ~~[24-]~~ 25. "Wages" means:

34 (a) The basic hourly rate of pay; and

35 (b) The amount of pension, health and welfare, vacation and
36 holiday pay, the cost of apprenticeship training or other bona fide
37 fringe benefits which are a benefit to the worker.

38 ~~[25-]~~ 26. *"Work order" means an order issued for a definite
39 scope of work to be performed pursuant to a job order contract.*

40 27. "Worker" means a skilled mechanic, skilled worker,
41 semiskilled mechanic, semiskilled worker or unskilled worker in the
42 service of a contractor or subcontractor under any appointment or
43 contract of hire or apprenticeship, express or implied, oral or
44 written, whether lawfully or unlawfully employed. The term does
45 not include a design professional.



1 **Sec. 11.** NRS 338.1373 is hereby amended to read as follows:
2 338.1373 1. A local government or its authorized
3 representative shall award a contract for a public work pursuant to
4 the provisions of NRS 338.1415 and:

- 5 (a) NRS 338.1377 to 338.139, inclusive;
6 (b) NRS 338.143 to 338.148, inclusive; ~~for~~
7 (c) NRS 338.1711 to 338.173, inclusive ~~§~~; *or*
8 (d) *Sections 2 to 9, inclusive, of this act.*

9 2. A public body shall not use a reverse auction when awarding
10 a contract for a public work.

11 3. Except as otherwise provided in this subsection, subsection
12 4 and chapter 408 of NRS, the provisions of this chapter apply with
13 respect to contracts for the construction, reconstruction,
14 improvement and maintenance of highways that are awarded by the
15 Department of Transportation pursuant to NRS 408.201 and
16 408.313 to 408.433, inclusive. The provisions of NRS 338.1375 to
17 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139,
18 338.142 and 338.1711 to 338.1727, inclusive, do not apply with
19 respect to contracts for the construction, reconstruction,
20 improvement and maintenance of highways that are awarded by the
21 Department of Transportation pursuant to NRS 408.201 and
22 408.313 to 408.433, inclusive.

23 4. To the extent that a provision of this chapter precludes the
24 granting of federal assistance or reduces the amount of such
25 assistance with respect to a contract for the construction,
26 reconstruction, improvement or maintenance of highways that is
27 awarded by the Department of Transportation pursuant to NRS
28 408.201 and 408.313 to 408.433, inclusive, that provision of this
29 chapter does not apply to the Department of Transportation or the
30 contract.

31 5. As used in this section:

32 (a) "Online bidding" means a process by which bidders submit
33 bids for a contract on a secure website on the Internet or its
34 successor, if any, which is established and maintained for that
35 purpose.

36 (b) "Reverse auction" means a process by which a bidder may
37 submit more than one bid if each subsequent response to online
38 bidding is at a lower price.

39 **Sec. 12.** NRS 338.1386 is hereby amended to read as follows:

40 338.1386 If the estimated cost of a public work is ~~[\$100,000]~~
41 *\$250,000* or less, this State or a local government shall:

42 1. Award a contract for the completion of the public work to a
43 properly licensed contractor in accordance with NRS 338.13862; or

44 2. Perform the public work itself in accordance with
45 NRS 338.13864.



1 **Sec. 13.** NRS 338.13862 is hereby amended to read as
2 follows:

3 338.13862 1. Before this State or a local government awards
4 a contract for the completion of a public work in accordance with
5 subsection 1 of NRS 338.1386, the State or the local government
6 must:

7 (a) If the estimated cost of the public work is more than \$25,000
8 but not more than ~~[\$100,000.]~~ **\$250,000**, solicit bids from at least
9 three properly licensed contractors; and

10 (b) If the estimated cost of the public work is \$25,000 or less,
11 solicit a bid from at least one properly licensed contractor.

12 2. Any bids received in response to a solicitation for bids made
13 pursuant to this section may be rejected if the State or the local
14 government determines that:

15 (a) The quality of the services, materials, equipment or labor
16 offered does not conform to the approved plan or specifications;

17 (b) The bidder is not responsive or responsible; or

18 (c) The public interest would be served by such a rejection.

19 3. At least once each quarter, the State and each local
20 government shall prepare a report detailing, for each public work
21 over \$25,000 for which a contract for its completion is awarded
22 pursuant to paragraph (a) of subsection 1, if any:

23 (a) The name of the contractor to whom the contract was
24 awarded;

25 (b) The amount of the contract awarded;

26 (c) A brief description of the public work; and

27 (d) The names of all contractors from whom bids were solicited.

28 4. A report prepared pursuant to subsection 3 is a public record
29 and must be maintained on file at the administrative offices of the
30 applicable public body.

31 5. The provisions of this section do not relieve this State from
32 the duty to award the contract for the public work to a bidder who
33 is:

34 (a) Qualified pursuant to the applicable provisions of NRS
35 338.1375 to 338.1382, inclusive; and

36 (b) The lowest responsive and responsible bidder, if bids are
37 required to be solicited from more than one properly licensed
38 contractor pursuant to subsection 1. For the purposes of this
39 paragraph, the lowest responsive and responsible bidder must be
40 determined in consideration of any applicable bidder's preference
41 granted pursuant to NRS 338.13844.

42 **Sec. 14.** NRS 338.13864 is hereby amended to read as
43 follows:

44 338.13864 1. If the State or a local government proposes to
45 perform a public work itself in accordance with subsection 2 of



1 NRS 338.1386, the public officer responsible for the management of
2 the public works of the State or the local government, as applicable,
3 must, if the estimated cost of the public work is more than \$25,000
4 but not more than ~~[\$100,000]~~ **\$250,000** and before work on the
5 public work is commenced, prepare a signed attestation regarding
6 the decision of the State or the local government to perform the
7 public work itself.

8 2. An attestation prepared pursuant to subsection 1:

9 (a) Must set forth:

10 (1) The estimated cost of the public work;

11 (2) A general statement as to why the State or the local
12 government has decided to perform the public work itself; and

13 (3) A general statement that the public work will adhere to
14 the same quality and standards as would be required of a properly
15 licensed contractor if the public work had been awarded to a
16 properly licensed contractor; and

17 (b) Is a public record and must be maintained on file at the
18 administrative offices of the applicable public body.

19 **Sec. 15.** NRS 239.010 is hereby amended to read as follows:

20 239.010 1. Except as otherwise provided in this section and
21 NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293,
22 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170,
23 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113,
24 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200,
25 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
26 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880,
27 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
28 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130,
29 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
30 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
31 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015,
32 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715,
33 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771,
34 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
35 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
36 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
37 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240,
38 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069,
39 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014,
40 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230,
41 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
42 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560,
43 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
44 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350,
45 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068,



1 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830,
2 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
3 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061,
4 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725,
5 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049,
6 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255,
7 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
8 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
9 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455,
10 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249,
11 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,
12 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
13 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
14 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
15 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
16 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
17 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
18 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
19 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
20 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
21 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
22 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
23 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
24 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
25 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
26 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
27 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
28 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
29 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
30 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
31 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
32 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
33 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
34 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
35 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
36 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
37 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
38 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
39 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
40 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
41 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
42 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
43 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
44 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
45 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,



1 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
2 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
3 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
4 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
5 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
6 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
7 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
8 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
9 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
10 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
11 *section 5 of this act*, sections 35, 38 and 41 of chapter 478, Statutes
12 of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada
13 2013 and unless otherwise declared by law to be confidential, all
14 public books and public records of a governmental entity must be
15 open at all times during office hours to inspection by any person,
16 and may be fully copied or an abstract or memorandum may be
17 prepared from those public books and public records. Any such
18 copies, abstracts or memoranda may be used to supply the general
19 public with copies, abstracts or memoranda of the records or may be
20 used in any other way to the advantage of the governmental entity or
21 of the general public. This section does not supersede or in any
22 manner affect the federal laws governing copyrights or enlarge,
23 diminish or affect in any other manner the rights of a person in any
24 written book or record which is copyrighted pursuant to federal law.

25 2. A governmental entity may not reject a book or record
26 which is copyrighted solely because it is copyrighted.

27 3. A governmental entity that has legal custody or control of a
28 public book or record shall not deny a request made pursuant to
29 subsection 1 to inspect or copy or receive a copy of a public book or
30 record on the basis that the requested public book or record contains
31 information that is confidential if the governmental entity can
32 redact, delete, conceal or separate, including, without limitation,
33 electronically, the confidential information from the information
34 included in the public book or record that is not otherwise
35 confidential.

36 4. If requested, a governmental entity shall provide a copy of a
37 public record in an electronic format by means of an electronic
38 medium. Nothing in this subsection requires a governmental entity
39 to provide a copy of a public record in an electronic format or by
40 means of an electronic medium if:

- 41 (a) The public record:
42 (1) Was not created or prepared in an electronic format; and
43 (2) Is not available in an electronic format; or
44 (b) Providing the public record in an electronic format or by
45 means of an electronic medium would:



1 (1) Give access to proprietary software; or
2 (2) Require the production of information that is confidential
3 and that cannot be redacted, deleted, concealed or separated from
4 information that is not otherwise confidential.

5 5. An officer, employee or agent of a governmental entity who
6 has legal custody or control of a public record:

7 (a) Shall not refuse to provide a copy of that public record in the
8 medium that is requested because the officer, employee or agent has
9 already prepared or would prefer to provide the copy in a different
10 medium.

11 (b) Except as otherwise provided in NRS 239.030, shall, upon
12 request, prepare the copy of the public record and shall not require
13 the person who has requested the copy to prepare the copy himself
14 or herself.

