

Assembly Bill No. 483—Committee
on Government Affairs

CHAPTER.....

AN ACT relating to state purchasing; transferring the administration of the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations from the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to the Purchasing Division of the Department of Administration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Rehabilitation Division of the Department of Employment, Training and Rehabilitation to establish and administer the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations to aid in the purchase by public agencies of commodities and services from certain nonprofit organizations which train and employ persons with mental or physical disabilities. If such an organization enters into a contract with the State pursuant to the Program, the Rehabilitation Division receives a percentage of the payment made to the organization to offset the cost to the Rehabilitation Division of establishing and administering the Program. (NRS 334.025) This bill transfers the duty to administer the Program from the Rehabilitation Division to the Purchasing Division of the Department of Administration.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

- Section 1.** NRS 332.117 is hereby amended to read as follows:
- 332.117 1. In accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025, a governing body of a local government or its authorized representative may award, without complying with the requirements for competitive bidding set forth in this chapter, a contract for services or for the purchase of supplies, materials, equipment or labor to a nonprofit organization or agency whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive.
2. A nonprofit organization or agency that:
- (a) Wishes to submit a bid for such a contract must:



(1) Register with the ~~Rehabilitation~~ *Purchasing* Division of the Department of ~~Employment, Training and Rehabilitation~~ *Administration* as required pursuant to NRS 334.025; and

(2) Establish a fair-market price for those services, supplies, materials, equipment or labor by conducting a market survey and must include the survey with the bid submitted to the local government.

(b) Is awarded such a contract must report quarterly to the ~~Rehabilitation~~ *Purchasing* Division as required pursuant to NRS 334.025.

3. As used in this section, “nonprofit organization or agency” means an organization or agency that is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3).

Sec. 2. NRS 333.375 is hereby amended to read as follows:

333.375 1. The provisions of NRS 331.100 notwithstanding, and in accordance with the Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations established pursuant to NRS 334.025, the Purchasing Division may award without accepting competitive bids a contract for services or the purchase of commodities to nonprofit organizations or agencies whose primary purpose is the training and employment of persons with a mental or physical disability, including, without limitation, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive.

2. A nonprofit organization or agency that:

(a) Wishes to submit a bid for such a contract must:

(1) Register with the ~~Rehabilitation~~ *Purchasing* Division ~~of the Department of Employment, Training and Rehabilitation~~ as required pursuant to NRS 334.025; and

(2) Establish a fair-market price for those services or commodities by conducting a market survey and must include the survey with the bid submitted to the Purchasing Division.

(b) Is awarded such a contract must report quarterly to the ~~Rehabilitation~~ *Purchasing* Division as required pursuant to NRS 334.025.

3. As used in this section, “nonprofit organization or agency” means an organization or agency that is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3).

Sec. 3. NRS 334.025 is hereby amended to read as follows:

334.025 1. The ~~Rehabilitation~~ *Purchasing* Division of the Department of ~~Employment, Training and Rehabilitation~~ *Administration* shall establish and administer a Program to



Encourage and Facilitate Purchases by Agencies of Commodities and Services From Organizations.

2. The Program may include:

(a) A method for assisting an agency that wishes to purchase commodities or services from an organization to locate such commodities and services that meet the needs of the agency;

(b) A method for assisting an organization to locate an agency that wishes to purchase commodities or services from organizations;

(c) A method for encouraging agencies to purchase commodities and services from organizations;

(d) A method to review objections to an award of a contract to an organization, which method must be limited to a review of the process used for awarding the contract to ensure that the appropriate procedures were followed in awarding the contract;

(e) The establishment of a percentage, not to exceed 4 percent, of the full amount of payment to an organization which is awarded a contract for all commodities and services to be provided to the agency pursuant to the contract that is sufficient to pay the cost to the ~~{Rehabilitation}~~ **Purchasing** Division of establishing and administering the Program; and

(f) A method for collecting information from an agency in a report to the ~~{Rehabilitation}~~ **Purchasing** Division, which report may include, without limitation:

(1) The number of persons with mental or physical disabilities currently employed at the agency; and

(2) The number of contracts the agency has entered into pursuant to the Program which are currently in effect and a list of the organizations with which the agency has entered such contracts.

3. An organization that wishes to participate in the Program must register with the ~~{Rehabilitation}~~ **Purchasing** Division on a form prescribed by the Administrator before contacting any agency concerning entering into a contract pursuant to the Program.

4. In administering the Program, the ~~{Rehabilitation}~~ **Purchasing** Division shall, upon request of an agency or organization, assist the agency or organization in establishing a contract for the purchase of commodities or services.

5. A contract entered into pursuant to the Program must provide for a payment to the ~~{Rehabilitation}~~ **Purchasing** Division in an amount equal to the full amount of payment to the organization for all commodities and services to be provided to the agency pursuant to the contract multiplied by the percentage established pursuant to paragraph (e) of subsection 2.



6. An organization that has entered into a contract with an agency pursuant to the Program shall report quarterly to the ~~Rehabilitation~~ **Purchasing** Division, on a form prescribed by the Administrator, such information as the ~~Rehabilitation~~ **Purchasing** Division deems necessary to administer the Program.

7. The Administrator may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Administrator" means the Administrator of the ~~Rehabilitation~~ **Purchasing** Division of the Department of ~~Employment, Training and Rehabilitation~~ **Administration**.

(b) "Agency" means a local government as defined in NRS 332.015 and using agencies as defined in NRS 333.020.

(c) "Organization" means an organization that is recognized as exempt pursuant to the provisions of 26 U.S.C. § 501(c)(3) whose primary purpose is the training and employment of persons with mental or physical disabilities, including, without limitation, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive.

Sec. 4. 1. Any administrative regulations adopted by an officer or entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act remain in force until amended by the officer or entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or entity whose name has been changed pursuant to the provisions of this act are binding upon the officer or entity to which the responsibility for the administration of the provision of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or entity to which the responsibility for the enforcement of the provisions of the contract or other agreements has been transferred.

3. Any action taken by an officer or entity whose name has been changed pursuant to the provisions of this act remains in effect as if taken by the officer or entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 5. This act becomes effective on July 1, 2017.

