

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.

~

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:**

1 Existing law authorizes the Labor Commissioner to impose an administrative  
2 penalty against a person who violates certain provisions related to contracts for  
3 public works in this State. (NRS 338.015) A person against whom such an  
4 administrative penalty is imposed may not be awarded a contract for a public work  
5 for a period of 3 years, and upon a second or subsequent offense, for a period of 5  
6 years. (NRS 338.017) In addition to the prohibition on being awarded a contract for  
7 public works, such a person is also subject to the suspension of his or her  
8 contractor's license by the State Contractors' Board for the length of the  
9 prohibition. (NRS 624.300)

10 Under federal law, a contractor may be excluded for a period of time from  
11 receiving contracts from the Federal Government if the contractor is debarred. (48  
12 C.F.R. §§ 9.400 et seq.)

13 This bill provides that, if a contractor is excluded for a period of time from  
14 receiving contracts from the Federal Government as a result of being debarred, the  
15 contractor may not be awarded a contract for a public work in this State for the  
16 longer of: (1) 4 years after the date on which the Labor Commissioner becomes  
17 aware of the exclusion; or (2) the length of the term of debarment.



\* S B 3 4 0 R 2 \*

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.** (Deleted by amendment.)

