

Senate Bill No. 340—Senators Smith, Ford, Spearman, Parks;
Atkinson, Denis, Kihuen, Manendo and Woodhouse

Joint Sponsors: Assemblymen Carrillo;
Araujo, Joiner, Spiegel and Sprinkle

CHAPTER.....

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.

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 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.)

