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CHAPTER 333 - PURCHASING: STATE

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GENERAL PROVISIONS

NRS 333.010 Short title. This chapter shall be known and cited as the State Purchasing Act.

[1:333:1951]

NRS 333.020 Definitions. As used in this chapter, unless the context otherwise requires:

1. “Administrator” means the Administrator of the Purchasing Division.
 2. “Best value” means the greatest possible economy consistent with grades or qualities of supplies, materials, equipment and services that are adapted to the purposes to be served.
 3. “Director” means the Director of the Department of Administration.
 4. “Invitation to bid” means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.
 5. “Proprietary information” means:
 - (a) Any trade secret or confidential business information that is contained in a bid or proposal submitted on a particular contract; or
 - (b) Any other trade secret or confidential business information submitted in a bid or proposal and designated as proprietary by the Administrator.
- Ê As used in this subsection, “confidential business information” means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost or price submitted in support of a bid or proposal. The term does not include the amount of a bid or proposal.
6. “Purchasing Division” means the Purchasing Division of the Department of Administration.
 7. “Purchasing officer” means a person who is authorized by the Administrator or a using agency to facilitate:
 - (a) The evaluation of bids or proposals for a contract;
 - (b) Any negotiations concerning a contract; or
 - (c) The development, review or approval of a contract.
 8. “Request for proposals” means a written statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.
 9. “Trade secret” has the meaning ascribed to it in [NRS 600A.030](#).
 10. “Using agencies” means all officers, departments, divisions, institutions, boards, commissions and other agencies in the Executive Department of the State Government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources. The term does not include the Nevada Rural Housing Authority, the Housing Division of the Department of Business and Industry, local governments as defined in [NRS 354.474](#), conservation districts, irrigation districts and the Nevada System of Higher Education.
 11. “Volunteer fire department” means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of [chapters 616A to 616D](#), inclusive, or chapter [617](#) of NRS.

[2:333:1951]—(NRS A [1963, 48, 489, 1284, 1967, 202, 1969, 1429, 1973, 1465, 1975, 248, 1993, 390, 1564, 2267, 2877, 1995, 366, 728, 815, 1733, 2044, 2060, 1997, 547, 1999, 234, 1024, 1817, 2001, 2122, 2003, 547, 2194, 2005, 668, 2009, 650, 2019, 779](#))

ADMINISTRATION

NRS 333.030 Administration of chapter. The Purchasing Division shall administer the provisions of this chapter, subject to administrative supervision of the Director.

[3:333:1951]—(NRS A [1963, 1051](#))

NRS 333.060 Qualifications of Administrator of Purchasing Division. The Administrator shall have:

1. A working knowledge of purchasing methods and procedures, including the techniques of specification writing.

2. The ability to obtain and interpret market prices and trends, and to apply such interpretations to procurement problems.

3. A minimum of 12 years of practical experience in purchasing, merchandising, stock control and methods of inventory management.

[6:333:1951]—(NRS A [1963, 1051](#))

NRS 333.100 Assistants: Number; qualifications.

1. The Administrator shall have such technical and clerical assistance as the execution of the Administrator's duties requires.

2. Technical assistants shall have a minimum of 6 years of practical experience in purchasing, merchandising, stock control and methods of inventory management.

[Part 7:333:1951]—(NRS A [1963, 1051](#))

NRS 333.105 General Counsel: Appointment; classification; qualifications; private practice of law restricted.

1. The Administrator may appoint a General Counsel of the Division.

2. The General Counsel appointed pursuant to subsection 1:

(a) Is in the unclassified service of the State.

(b) Must be an attorney in good standing licensed and admitted to practice law in this State.

(c) Except as otherwise provided in [NRS 7.065](#), shall not engage in the private practice of law.

(Added to NRS by [2017, 1538](#))

NRS 333.110 Offices of Purchasing Division. Suitable office space shall be furnished to the Purchasing Division for the performance of the duties provided in this chapter.

[Part 7:333:1951]—(NRS A [1963, 1051](#))

NRS 333.120 State Purchasing Fund: Creation; amount; use.

1. The State Purchasing Fund, in the sum of \$1,250,000 is hereby created as an internal service fund for the use of the Administrator in purchasing supplies, materials and equipment and services.

2. Except as otherwise provided in subsection 3, the Administrator may withdraw from the State Purchasing Fund an amount not to exceed \$150,000 per year and is hereby authorized to expend that amount to pay the cost to the Purchasing Division of providing methods for purchasing or leasing pursuant to this chapter by the use of forms in electronic format through a computer system or network or through the Internet, or its successor, if any.

3. The Administrator shall not withdraw money pursuant to subsection 2 if the withdrawal would reduce the balance of the State Purchasing Fund below \$500,000.

4. If the Administrator makes a withdrawal pursuant to subsection 2, the maximum balance of the State Purchasing Fund is permanently reduced by the amount of the withdrawal.

[45:333:1951; A [1953, 585; 1955, 838](#)]—(NRS A [1957, 345; 1960, 53; 1963, 1051; 1965, 1021; 1967, 155; 1973, 332; 1975, 225; 1977, 43; 1981, 348; 1983, 388; 1991, 1746; 1999, 1025; 2001, 1457](#))

NRS 333.125 Temporary transfers from State General Fund to State Purchasing Fund. Whenever claims payable and properly approved exceed the amount of the cash in the State Purchasing Fund, the State Controller may transfer temporarily from the State General Fund to the State Purchasing Fund such amount as may be required to pay the claims, but not to exceed the lesser of:

1. The amount receivable from using agencies and political subdivisions as certified by the Purchasing Division;
2. The maximum balance of the State Purchasing Fund, if reduced pursuant to subsection 4 of [NRS 333.120](#); or
3. Eight hundred and fifty thousand dollars.

(Added to NRS by [1965, 1022](#); A [1979, 1794; 1981, 348; 1987, 316; 2001, 1457](#))

GENERAL POWERS AND DUTIES OF ADMINISTRATOR OF PURCHASING DIVISION

NRS 333.130 Supervision of administrative and technical activities of Purchasing Division; regulations. The Administrator, as executive head of the Purchasing Division:

1. Shall direct and supervise all its administrative and technical activities.
2. May adopt regulations necessary for the administration of this chapter.

[Part 7:333:1951]—(NRS A [1963, 1052; 1991, 620](#))

NRS 333.135 Regulations establishing procedures for awarding contracts. The Administrator shall adopt regulations establishing procedures for awarding contracts pursuant to this chapter. The regulations must include, without limitation, provisions that set forth requirements relating to:

1. The establishment and membership of committees to evaluate proposals;
2. Notices that must be given to persons who submit proposals before and after a contract is awarded;
3. The confidentiality of information submitted in proposals and any communication between a person who submits a proposal and the chief of a using agency, the Administrator of the Purchasing Division or a member of a committee to evaluate proposals;
4. The submission of revised proposals; and
5. The awarding of contracts on a contingency basis.

(Added to NRS by [1999, 1024](#))

NRS 333.140 Policy of securing best value. The Administrator, in all his or her purchasing and property control activities, shall pursue a policy of securing the best value for supplies, materials, equipment and services.

[10:333:1951]—(NRS A [1963, 1052; 2003, 548](#))

NRS 333.150 Purchases or contracts for rental or lease for using agencies. The Administrator shall:

1. Purchase or contract for all supplies, materials and equipment; and
2. Contract for the rental or lease of equipment,
 - È needed by any using agency, unless otherwise provided by law.

[11:333:1951]—(NRS A [1963, 1052; 1981, 367](#))

NRS 333.155 Regulations concerning purchase of new equipment: Consideration of renting equipment and contracting for service to maintain equipment. The Administrator shall adopt regulations which set forth standards to be used by using agencies when purchasing new equipment in order to determine:

1. Whether the equipment can be leased or rented at a cost that is equal to or less than the cost of purchasing the equipment; and
2. If a service is required to maintain the equipment, whether the service would be performed more efficiently by the agency or a private contractor.

(Added to NRS by [1993, 925](#))

NRS 333.160 Methods of supplying needs of using agencies. The Administrator may decide whether and to what extent the needs of any using agency may be supplied:

1. By transfer of surplus items or stocks from other using agencies;
2. By deliveries under contracts;
3. By open market purchases through the Administrator; or
4. Directly by the using agencies;

Ê but he or she shall have thorough discussions on such matters with authorized representatives of each using agency.

[12:333:1951]—(NRS A [1963, 1052](#); [1981, 1188](#); [2019, 780](#))

NRS 333.162 Methods of obtaining a contract; regulations.

1. The Administrator may designate the method of obtaining a contract, including:
 - (a) An invitation to bid;
 - (b) A request for proposals;
 - (c) A request for qualifications;
 - (d) A request for information;
 - (e) A request for a quotation; or
 - (f) Any other accepted method of purchasing that complies with the provisions of this chapter.
2. The Administrator shall adopt regulations governing the methods of obtaining a contract.

(Added to NRS by [1991, 619](#); A [1999, 1025](#); [2019, 780](#))

NRS 333.165 Contracts for services: Duty of Administrator to act on behalf of using agency; authority of using agency to contract; requests for assistance by using agency.

1. Except as otherwise provided by specific statute, the Administrator shall contract for services whose estimated value is \$100,000 or more, and may authorize a using agency to contract for such services if he or she determines that to do so would be in the best interests of the State.

2. A using agency may contract for services if the estimated value of the services is less than \$100,000. The Administrator may, upon the request of a using agency, contract for such services on behalf of the agency if he or she determines that to do so would be in the best interests of the State.

3. The Administrator shall, upon the request of a using agency, provide assistance to the using agency for any contract for services whose estimated value is less than \$100,000.

4. For the purposes of this section, a contract for goods and services whose estimated value:

- (a) Is \$100,000 or more, shall be deemed a contract for services; or

(b) Is less than \$100,000, shall be deemed a contract for goods with respect to that part of the contract that represents goods. Those goods must be procured in a manner authorized by the Administrator.

(Added to NRS by [1987, 150](#); A [1999, 1025](#))

NRS 333.175 Administrator may exempt purchases by Department of Corrections from Offenders' Store Fund from provisions of chapter. The Administrator may exempt from the provisions of this chapter purchases made by the Department of Corrections, with money from the Offenders' Store Fund, for the provision and maintenance of canteens for offenders.

(Added to NRS by [1987, 773](#); A [2001 Special Session, 236](#))

NRS 333.177 Duty of Purchasing Division to report to Office of Economic Development concerning local emerging small businesses.

1. The Purchasing Division shall submit a report every 6 months to the Office. The report must include, without limitation, for the period since the last report:

(a) The number of local emerging small businesses that the Purchasing Division solicited to submit a bid or proposal to the Purchasing Division on a state purchasing contract;

(b) The number of local emerging small businesses that submitted a bid or proposal on a state purchasing contract;

(c) The number of state purchasing contracts that were awarded by the Purchasing Division to local emerging small businesses;

(d) The total number of dollars' worth of state purchasing contracts that were awarded by the Purchasing Division to local emerging small businesses;

(e) Whether each goal established by the Office pursuant to [NRS 231.1407](#) has been achieved;

(f) For each goal established by the Office pursuant to [NRS 231.1407](#) that has not been achieved, information on all efforts undertaken by the Purchasing Division to achieve the goals in the current fiscal year and a proposed plan for achieving the goals in the subsequent fiscal year; and

(g) Any other information deemed relevant by the Office.

2. The report required pursuant to subsection 1 must be submitted within 30 days after:

(a) The end of each fiscal year; and

(b) The end of each calendar year.

3. As used in this section:

(a) "Local emerging small business" has the meaning ascribed to it in [NRS 231.1402](#).

(b) "Office" means the Office of Economic Development.

(c) "State purchasing contract" means a contract awarded pursuant to the provisions of subsection 3 of [NRS 333.300](#).

(Added to NRS by [2013, 3689](#))

NRS 333.180 Collection, classification and maintenance of information concerning commodities and suppliers. The Administrator shall collect, classify and maintain accurate information concerning:

1. The sources, grades, qualities and costs of the various kinds of supplies, materials and equipment required by the State; and

2. The names and addresses of the persons from whom commodities of the various classes are available.

[31:333:1951]—(NRS A [1963, 1052](#); [1991, 620](#); [1997, 470](#))

NRS 333.190 Inspection of purchased commodities; equipment, material, supply or service found to be defective or not as specified; receiving reports.

1. The Administrator shall provide for inspection of all commodities purchased.
2. If, before final acceptance, any equipment, material, supply or service is found to be defective or not as specified, the Administrator may:
 - (a) Reject it and require the seller to correct the defect without charge; or
 - (b) Require delivery of the equipment, material, supply or service at a reduction in cost.
3. A receiving report must be submitted by a using agency to certify the receipt of commodities and must show the quantity and quality delivered. A claim for payment for commodities must not be passed for payment without certification.

[32:333:1951]—(NRS A [1963, 1053](#); [1991, 620](#))

NRS 333.195 Donation of certain supplies, materials and equipment to certain organizations. The Administrator may donate supplies, materials and equipment that he or she determines have reached the end of their useful lives to any organization described in [NRS 372.3261](#).

(Added to NRS by [1999, 1643](#); A [2013, 2494](#))

NRS 333.200 Inventory of supplies and materials stored centrally: Duties; records.

1. The Administrator shall cause to be maintained perpetual inventory records of all supplies and materials stored centrally.
2. The Administrator shall:
 - (a) Control the stocks of supplies and materials on hand, the storing and issuance of supplies and materials, and the distributing of the costs of supplies and materials used.
 - (b) Produce information, as and when required, respecting quantities on hand, quantities purchased over a specified period, quantities used over a specified period by each using agency, quantities supplied by vendors specified for specified periods, unit prices, average prices and experience with the vendors supplying the different classes of supplies.
 - (c) Price supplies and materials when purchased and when charged out of stock as used.
 - (d) Transfer surplus supplies and materials to points where they can be used advantageously.
 - (e) Direct and make test checks of physical inventories.
 - (f) Supervise the taking of annual inventories.
 - (g) Instruct storekeepers in the prescribed procedures for controlling stored materials.
3. The stores records must be so maintained as to show:
 - (a) The quantity of each commodity on hand.
 - (b) The average unit cost, including transportation charges.
 - (c) The total cost of the supply on hand.
 - (d) The minimum quantity that should be kept in stock.
 - (e) The maximum quantity that should be kept in stock at any one time.

[34:333:1951]—(NRS A [1963, 1053](#); [1967, 63](#); [1969, 1429](#); [1973, 1466](#); [1979, 1795](#); [1985, 465](#); [1993, 391](#), [1565](#); [1995, 579](#); [1997, 19, 471](#))

NRS 333.210 Standards and specifications.

1. Supplies, materials and equipment purchased for the various using agencies shall be reduced to the practicable minimum of types, styles and sizes. The Administrator shall be responsible for developing and executing a progressive program of establishing standards. The Administrator may call upon any department or officer having technical facilities available, for assistance in the formulation of such standards.

2. Standard specifications shall be developed and adopted after consultation with the heads of the various using agencies, who shall assist in formulating such specifications. Such specifications shall be sufficiently complete and precise:

- (a) To insure that all vendors bid on the same basis.
- (b) To make effective testing and inspection possible.
- (c) To attract the maximum competition practicable with due consideration of suitability of products.
- (d) To describe the methods of testing or inspection.

Ê A specification file containing all approved specifications shall be maintained by the Administrator.

[35:333:1951]—(NRS A [1963, 1054](#); [1979, 175](#))

NRS 333.220 Personal property of using agencies: Classification; identification; records; list of lost, excess, forfeited or donated property; transfers; inventories; regulations relating to condemnation and sale; determination of value; refurbishment.

1. The Administrator shall:

- (a) Provide for classification of the personal property of the State in the possession of the using agencies.
- (b) Establish a process for identification of all such property.
- (c) Maintain records of that property.
- (d) Except as otherwise provided in this paragraph, determine which items of that property must be listed by each using agency pursuant to subsection 4. Any item which had an original cost of not less than the amount established by regulation of the State Board of Examiners and which has a useful life of more than 2 years must be included on the list.

2. Each using agency shall submit to the Purchasing Division a list on or before the last day of each month of all personal property for which it is responsible which was lost, stolen, exchanged or deemed excess. The list must include all forfeited personal property which was received by the using agency and all personal property which was donated to the using agency within the previous month. The list must be prepared by the officer entrusted with custody of the property and be approved by the officer's supervisor or the head of his or her department or agency. A monthly physical count is not required for the preparation of the list.

3. The Administrator may transfer any personal property or forfeited personal property in the possession of a using agency to another governmental agency within the State or to an entity that is eligible to acquire federal donable surplus property, if that property is not necessary for the use of the using agency.

4. The records of personal property of the State must be maintained at all times to show the officers entrusted with the custody thereof and transfers of that property between those officers. Each using agency shall conduct an annual physical count of all personal property charged to it and reconcile the results of the annual physical count with the records of inventory maintained by the Administrator. The Administrator shall maintain the current records of inventory for each state agency.

5. The Administrator shall adopt regulations which:

- (a) Prescribe the procedure by which personal property may be condemned and disposed of, if of no further use to the State.
- (b) Provide that condemned property which the Administrator has not transferred to another governmental agency or entity that is eligible to acquire federal donable surplus property and which has an appraised value over \$1,000 may be sold at a public auction. At least once within 15 days before the auction, the Administrator shall publish or cause to be published in a newspaper circulated in the area in which the sale is made a notice of the auction and a description of the property to be sold.

6. For the purposes of sale, the Administrator or a designated agent of the Administrator shall determine the value of personal property which is of no further use to the State. The Administrator may request the assistance of any department or officer having technical expertise regarding any such property to determine the value of the property.

7. The Administrator may elect to refurbish, in whole or in part, personal property which is of no further use to the State if the Administrator determines that refurbishment will increase the value of the property in an amount that exceeds the cost of the refurbishment. The Purchasing Division is entitled to reimbursement for the cost of refurbishment from the proceeds of the sale of the property.

[36:333:1951]—(NRS A [1963, 1054](#); [1967, 63](#); [1969, 252](#); [1971, 1205](#); [1979, 175](#); [1981, 367](#); [1983, 267](#); [1987, 101](#); [1989, 2143](#); [1991, 620](#); [1993, 1565](#); [1997, 1272](#); [2001, 689](#))

NRS 333.230 Central supply services. The Administrator may maintain and operate central supply services at any center, including a central warehouse or storeroom service.

[37:333:1951]—(NRS A [1963, 1055](#))

PROCEDURES FOR STATE PURCHASING

NRS 333.250 Classification of commodities; schedules of purchases by classes.

1. The Administrator shall classify for purchasing purposes all commodities for which there is sufficient demand to justify periodic purchasing in anticipation of needs. Commodities of the same nature, ordinarily secured from the same sources of supply and which can advantageously be scheduled for purchase at the same time of year, according to favorable market conditions, shall be included in the same class.

2. The rules shall provide, so far as practicable, for the scheduling of purchases, by commodity classes, so as to distribute the volume of purchasing work as evenly as may be over the entire year and so as best to meet the requirements of the several spending agencies of the State, while taking advantage of favorable market conditions and avoiding unnecessary tying up of funds.

3. Copies of schedules of purchases to be made shall be supplied to the several using agencies and to interested vendors.

[14:333:1951]—(NRS A [1963, 1055](#))

NRS 333.260 Estimates of requirements.

1. The Administrator shall determine the requirements of supplies and materials of the using agencies according to records of past experience, and according to estimates of anticipated requirements furnished by the various using agencies. The Administrator shall set up and maintain current cumulative purchase records of all materials and supplies purchased for the using agencies.

2. Prior to the scheduled date for purchasing any class of commodities, the Administrator shall make estimates of requirements among all the using agencies using the commodities included in that class. The Administrator may make the estimates by summarizing the requisitions of materials and supplies submitted by the using agencies.

3. Using agencies requiring information such as prices, specifications, and the procurement of any supplies, materials and equipment for present or future needs shall obtain this information through the Administrator.

[15:333:1951]—(NRS A [1963, 1055](#); [1969, 641](#))

NRS 333.270 Determination of quantity to be purchased of each commodity after receipt of estimate of requirements. Upon receipt of the estimates of requirements from the using agencies, the Administrator shall cause them to be summarized by classes for all agencies. The Administrator shall then, with the consideration of the quantity of each

commodity in stock, market conditions and probable future market conditions, determine or cause to be determined the quantity of each commodity to be purchased.

[16:333:1951]—(NRS A [1963, 1056](#))

NRS 333.280 Contract for furnishing supplies, materials and equipment: Period and form; extension.

1. Except as otherwise provided in this subsection, the Administrator may enter into a contract using a standard form of contract, by solicitation in accordance with the provisions of [NRS 333.300](#) or by advertising in accordance with the provisions of [NRS 333.310](#), for the furnishing of supplies, materials and equipment for not more than 2 years. If an extended contractual period is necessary to promote the use of a manufacturing process which emphasizes the efficient use of energy or to promote the manufacture of products which use recycled materials, the Administrator may enter into such a contract for not more than 3 years.

2. The original terms of a contract may be extended annually thereafter if the conditions for extension are specified in the original solicitation, and the Administrator determines that an extension is in the best interest of the State.

[17:333:1951]—(NRS A [1963, 1056](#); [1969, 1058](#); [1985, 44](#); [1991, 622](#); [1993, 80](#); [1995, 367](#); [2013, 3690](#))

NRS 333.290 Use of materials, supplies or products of state institutions: Contents of advertisement for bids.

1. Every advertisement for bids covering any class of materials or supplies that any charitable, reformatory or penal institution of the State is prepared to supply, in whole or in part, through the labor of inmates, shall carry a statement that the Administrator reserves the right to secure such materials or supplies from any such institution or institutions, to the extent that they can be secured of equal quality and at prices not higher than those of the lowest acceptable bid received in response to such advertisement.

2. All institutions' products meeting these conditions shall be utilized to the extent available, before orders are placed under contracts or otherwise.

[18:333:1951]—(NRS A [1963, 1056](#))

NRS 333.300 Notices of proposed purchases; purchase by formal contract; solicitation; preferences; emergency purchases.

1. Except as otherwise provided in [NRS 333.375](#), the Administrator shall give reasonable notice, by advertising and by written notice provided to persons in a position to furnish the classes of commodities involved, as shown by its records, of all proposed purchases of supplies, materials and equipment to be purchased in accordance with a schedule prepared in conformity with the provisions of [NRS 333.250](#).

2. All such materials, supplies and equipment, except as otherwise provided in this section, if the estimated cost thereof exceeds \$50,000, must be purchased by formal contract from the lowest responsible bidder after notice inviting the submission of sealed proposals to the Administrator of the Purchasing Division at the date, hour and location set forth in the proposal, and at that date, hour and location the proposals must be publicly opened. The Purchasing Division may reject any or all proposals, or may accept the proposal determined best for the interest of the State. The notice must be published as prescribed in [NRS 333.310](#).

3. The Administrator may solicit the purchase of materials, supplies and equipment, if the estimated cost thereof is \$50,000 or less, by written contract from the lowest responsible bidder if notice of the proposed purchase is provided to:

- (a) At least three persons in a position to furnish the materials, supplies or equipment; and
- (b) The Office of Economic Development.

4. In case of emergencies caused by acts of God or the national defense or other unforeseeable circumstances, the provisions for advertisements on competitive bids may be

waived by the Administrator, but every effort must be made to secure the maximum competitive bidding under the circumstances. In no case may contracts be awarded until every possible effort has been made to secure at least three bona fide competitive bids.

5. In awarding contracts for the purchase of supplies, materials and equipment, if two or more lowest bids are identical, the Administrator shall:

(a) If the lowest bids are by bidders resident in the State of Nevada, accept the proposal which, in the discretion of the Administrator, is in the best interests of this State.

(b) If the lowest bids are by bidders resident outside the State of Nevada:

(1) Accept the proposal of the bidder who will furnish goods or commodities produced or manufactured in this State; or

(2) Accept the proposal of the bidder who will furnish goods or commodities supplied by a dealer resident in the State of Nevada.

[19:333:1951]—(NRS A [1959, 517](#); [1963, 1056](#); [1967, 1112](#); [1975, 11, 513](#); [1979, 71](#); [1987, 102, 1641](#); [1995, 367](#); [1997, 485](#); [2001, 690](#); [2013, 49, 3690](#); [2017, 2136](#))

NRS 333.310 Advertisements for bids or proposals: Contents and publication.

1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications may be obtained.

(c) If the advertisement is for bids, whether the Administrator is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the preferences set forth in [NRS 333.3354](#) and [333.3366](#) and the inverse preference set forth in [NRS 333.33695](#).

(e) Notice of the written certification required pursuant to [NRS 333.338](#).

(f) The date and time not later than which responses must be received by the Purchasing Division.

(g) The date and time when responses will be opened.

Ê The Administrator or a designated agent of the Administrator shall approve the copy for the advertisement.

2. Each advertisement must be published:

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation; and

(b) On the Internet website of the Purchasing Division.

[20:333:1951; A [1955, 15](#)]—(NRS A [1963, 506, 1281](#); [1967, 202](#); [1969, 1430](#); [1975, 248](#); [1981, 1188](#); [1991, 622](#); [1997, 1562](#); [2003, 1615](#); [2009, 2666](#); [2011, 1864](#); [2017, 1612, 4109](#); [2021, 298, 2026](#))

NRS 333.311 Request for proposals to include minimum requirements for awarding contract and notice of certain written certification; award of contract to noncomplying bidder prohibited.

1. Each request for proposals must include:

(a) Minimum requirements that the successful bidder must meet for the awarding of a contract pursuant to the provisions of this chapter; and

(b) Notice of the written certification required pursuant to [NRS 333.338](#).

2. A contract may not be awarded to a bidder who does not comply with the requirements set forth in the request for proposals.

(Added to NRS by [2001, 666](#); A [2017, 1612](#))

NRS 333.313 On-line bidding.

1. The Administrator may use on-line bidding to receive proposals or bids in response to a request for proposals or invitation to bid.

2. A request for proposals or invitation to bid for which proposals or bids may be submitted pursuant to subsection 1 must designate a date and time at which proposals or bids may be submitted and may designate a date and time after which proposals or bids will no longer be received.

3. The Administrator may require bidders to:

(a) Register before the date and time at which proposals or bids may be submitted; and

(b) Agree to terms, conditions or requirements of the request for proposals or invitation to bid to facilitate on-line bidding.

4. The procedures established by the Administrator for the purposes of conducting on-line bidding must not conflict with the provisions of this chapter.

5. As used in this section, “on-line bidding” means a process by which bidders submit proposals or bids for a contract on a secure website on the Internet or its successor, if any, which is established and maintained for that purpose.

(Added to NRS by [2001, 1320](#))

NRS 333.315 Cost of providing service to be determined including all costs related to contract, including monitoring or reviewing private contractor. If a contract for the provision of a service furnished by a using agency is awarded through the process of competitive bidding, the bid or proposal of a using agency or the cost of furnishing the service through a using agency must be determined by including all costs related to the contract, including a reasonable estimate of any costs of a using agency for monitoring or reviewing a contract with a private contractor.

(Added to NRS by [1993, 875](#))

NRS 333.320 Specification for bids for supplying state institutions: Requirements. The specification for bids for the supplying of any commodity in quantity, to meet the combined requirements or estimated requirements of the institutions of the State, shall show the quantity thereof required or estimated to be required for each institution and shall stipulate that bids will be accepted for the whole quantity and for the quantity for each institution. Bids may be made on any item or items or quantity or quantities of any item or items.

[21:333:1951]

NRS 333.330 Bids on more than one item in same notice: Itemization and price; requirements for submission.

1. All bids on more than one item on which bids are called for by the same notice must be itemized and give a price for each item.

2. All bids must:

(a) Except as otherwise provided in [NRS 333.313](#), be in writing and signed.

(b) Be sealed or, if the bid is submitted electronically, secured by an electronic equivalent of a seal, as approved by the Purchasing Division.

[22:333:1951]—(NRS A [1963, 1057](#); [1997, 486](#); [2001, 1320](#); [2019, 780](#))

NRS 333.333 Proprietary information regarding trade secret: Confidentiality; disclosure.

1. Except as otherwise provided in subsection 2 and [NRS 239.0115](#), proprietary information regarding a trade secret does not constitute public information and is confidential.

2. A person shall not disclose proprietary information regarding a trade secret unless the disclosure is made for the purpose of a civil, administrative or criminal investigation or proceeding, and the person receiving the information represents in writing that protections exist under applicable law to preserve the integrity, confidentiality and security of the information.

(Added to NRS by [1995, 1732](#); A [2007, 2088](#))

NRS 333.335 Proposals: Evaluation; relative weight and scoring of factors disclosed in request for proposals; confidentiality.

1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to [NRS 333.135](#), if the proposal is for a using agency; or

(b) The Administrator of the Purchasing Division, or a committee appointed by the Administrator in accordance with the regulations adopted pursuant to [NRS 333.135](#), if the Administrator is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Administrator of the Purchasing Division determines is necessary to evaluate a proposal. If the committee is appointed to evaluate a proposal for the procurement of technology for which the estimated cost is more than \$100,000, the committee must include a person designated by the Chief Information Officer of the State appointed pursuant to [NRS 223.085](#) if the Chief Information Officer determines the inclusion of such a person is necessary to evaluate the proposal.

3. Members of a committee appointed pursuant to subsection 1 are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a proposal.

4. In making an award, the chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall consider and assign a score for each factor disclosed in the request for proposals.

5. The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor disclosed in a request for proposals before the request for proposals is advertised.

6. The chief of the using agency, the Administrator of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the total scores assigned pursuant to subsection 4, and is not required to accept the lowest-priced proposal.

7. Except as otherwise provided in [NRS 239.0115](#), each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

(Added to NRS by [1991, 619](#); A [1999, 1026](#); [2001, 666](#); [2003, 1616](#); [2007, 2088](#); [2009, 2666](#); [2011, 907](#); [2017, 1603, 4109](#); [2019, 781](#))

NRS 333.3351 Preference for bid or proposal submitted by Nevada-based business: Definitions. As used in [NRS 333.3351](#) to [333.3356](#), inclusive, unless the context otherwise

requires, the words and terms defined in [NRS 333.3352](#) and [333.3353](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2017, 4107](#))

NRS 333.3352 Preference for bid or proposal submitted by Nevada-based business: “Nevada-based business” defined. “Nevada-based business” means a business which certifies that:

1. Its principal place of business is in this State; or
2. The majority of goods provided for in a state purchasing contract are produced in this State.

(Added to NRS by [2017, 4108](#))

NRS 333.3353 Preference for bid or proposal submitted by Nevada-based business: “State purchasing contract” defined. “State purchasing contract” means a contract awarded pursuant to the provisions of this chapter.

(Added to NRS by [2017, 4108](#))

NRS 333.3354 Preference for bid or proposal submitted by Nevada-based business: Amount of preferences.

1. If a business that qualifies as a Nevada-based business submits a:
 - (a) Bid to furnish commodities that was solicited pursuant to [NRS 333.300](#), the bid shall be deemed to be 5 percent lower than the bid actually submitted; or
 - (b) Proposal to contract for services, the score assigned to the proposal pursuant to [NRS 333.335](#) shall be deemed to be 5 percent higher than the score actually awarded.
2. The preference described in subsection 1 may not be:
 - (a) Except as otherwise provided in this paragraph, combined with any other preference. The provisions of this paragraph do not prohibit the imposition of an inverse preference pursuant to [NRS 333.33695](#).

(b) Granted for the award of any contract which uses federal money unless such a preference is authorized by federal law.

(c) Granted for the award of any contract procured on a multistate basis.

(Added to NRS by [2017, 4108](#); A [2021, 299](#))

NRS 333.3355 Preference for bid or proposal submitted by Nevada-based business: Penalties for fraudulent acts committed in applying for preference or failing to comply with requirements; review of decision.

1. In addition to any other remedy or penalty provided by law, if the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in [NRS 333.3354](#) or has failed to comply with the requirements of that section, the business:

(a) Shall pay to the Purchasing Division, if awarded a state purchasing contract, a penalty in the amount of 1 percent of the cost of the state purchasing contract;

(b) Shall not bid on a state purchasing contract or a contract awarded by any local government for 1 year after the date upon which the Purchasing Division makes such a determination; and

(c) Shall not apply for or receive a preference described in [NRS 333.3354](#) for 5 years after the date upon which the Purchasing Division makes such a determination.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for a preference described in [NRS 333.3354](#) or has failed to comply with the requirements of that

section, the business may apply to the Administrator to review the decision pursuant to [chapter 233B](#) of NRS.

(Added to NRS by [2017, 4108](#))

NRS 333.3356 Preference for bid or proposal submitted by Nevada-based business: Regulations. The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of [NRS 333.3351](#) to [333.3356](#), inclusive. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive a preference described in [NRS 333.3354](#);

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for a preference described in [NRS 333.3354](#); and

3. Such other matters as the Purchasing Division deems relevant.

(Added to NRS by [2017, 4108](#))

NRS 333.3361 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: Definitions. As used in [NRS 333.3361](#) to [333.3369](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 333.3362](#) to [333.3365](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by [2009, 2665](#))

NRS 333.3362 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: “Business owned and operated by a veteran with a service-connected disability” defined. “Business owned and operated by a veteran with a service-connected disability” has the meaning ascribed to it in [NRS 338.13841](#).

(Added to NRS by [2009, 2665](#); A [2015, 559](#))

NRS 333.3363 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: “Local business” defined. “Local business” means a business which certifies that:

1. Its principal place of business is in this State; or

2. The majority of the goods provided for in a state purchasing contract are produced in this State.

(Added to NRS by [2009, 2665](#); A [2019, 782](#))

NRS 333.3364 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: “State purchasing contract” defined. “State purchasing contract” means a contract awarded pursuant to the provisions of this chapter.

(Added to NRS by [2009, 2665](#))

NRS 333.3365 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: “Veteran with a service-connected disability” defined. “Veteran with a service-connected disability” has the meaning ascribed to it in [NRS 338.13843](#).

(Added to NRS by [2009, 2665](#))

NRS 333.3366 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: Amount of preference.

1. For the purpose of awarding a formal contract solicited pursuant to subsection 2 of [NRS 333.300](#) or awarding a contract for the services of a person as an independent contractor

pursuant to subsection 1 of [NRS 333.700](#), if a local business owned and operated by a veteran with a service-connected disability submits a bid or proposal for such a contract and is a responsive and responsible bidder, the bid or proposal shall be deemed to be 5 percent lower than the bid or proposal actually submitted.

2. Except as otherwise provided in this subsection, the preference described in subsection 1 may not be combined with any other preference. The provisions of this subsection do not prohibit the imposition of an inverse preference pursuant to [NRS 333.33695](#).

(Added to NRS by [2009, 2665](#); A [2015, 559](#); [2019, 782](#); [2021, 299](#))

NRS 333.3367 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: Effect of material misrepresentation or other fraudulent act committed in applying for preference; review of decision of Purchasing Division.

1. If the Purchasing Division determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for the preference described in [NRS 333.3366](#), the business is thereafter permanently prohibited from:

- (a) Applying for or receiving the preference described in [NRS 333.3366](#); and
- (b) Bidding on a state purchasing contract.

2. If the Purchasing Division determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for the preference described in [NRS 333.3366](#), the business may apply to the Administrator to review the decision pursuant to [chapter 233B](#) of NRS.

(Added to NRS by [2009, 2665](#); A [2019, 782](#))

NRS 333.3368 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: Duty of Purchasing Division to report to Legislature. The Purchasing Division shall, every 6 months, submit to the Legislature, if it is in session, or to the Interim Finance Committee and the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs created by [NRS 218E.750](#), if the Legislature is not in session, a report which must contain, for the period since the submission of the last report:

1. The number of state purchasing contracts that were subject to the provisions of [NRS 333.3361](#) to [333.3369](#), inclusive.

2. The total dollar amount of state purchasing contracts that were subject to the provisions of [NRS 333.3361](#) to [333.3369](#), inclusive.

3. The number of local businesses owned and operated by veterans with service-connected disabilities that submitted a bid or proposal on a state purchasing contract.

4. The number of state purchasing contracts that were awarded to local businesses owned and operated by veterans with service-connected disabilities.

5. The total number of dollars' worth of state purchasing contracts that were awarded to local businesses owned and operated by veterans with service-connected disabilities.

6. Any other information deemed relevant by the Director of the Legislative Counsel Bureau.

(Added to NRS by [2009, 2665](#); A [2015, 559](#))

NRS 333.3369 Preference for bid or proposal submitted by local business owned and operated by veteran with service-connected disability: Regulations. The Purchasing Division may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of [NRS 333.3361](#) to [333.3369](#), inclusive. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive the preference described in [NRS 333.3366](#);

2. Subject to the provisions of [NRS 417.0187](#), the documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in [NRS 333.3366](#); and

3. Such other matters as the Purchasing Division deems relevant.

Ê In carrying out the provisions of this section, the Purchasing Division shall, to the extent practicable, cooperate and coordinate with the State Public Works Division of the Department of Administration so that any regulations adopted pursuant to this section and [NRS 338.13847](#) are reasonably consistent.

(Added to NRS by [2009, 2665](#); A [2017, 1132](#); [2019, 782](#))

NRS 333.33695 Inverse preference for bid or proposal submitted by person with principal place of business in another state; exceptions.

1. Except as otherwise provided in subsection 2, for purposes of awarding a contract pursuant to this chapter, if:

(a) A person who submits a bid or proposal has a principal place of business in a state other than the State of Nevada; and

(b) That other state, with respect to similar contracts awarded by that other state or agencies of that other state, grants to a person with a principal place of business in that state a preference which is not afforded to a person who has a principal place of business in the State of Nevada,

Ê the person responsible for awarding the contract must increase the bid or proposal or decrease the score of the bid or proposal, as applicable, by an amount that is substantially equivalent to the preference that the other state denies to a person with a principal place of business in the State of Nevada.

2. The inverse preference set forth in subsection 1 may not be imposed for the award of any contract pursuant to this chapter that:

(a) Uses federal money unless such a preference is authorized by federal law; or

(b) Is procured on a multistate basis.

(Added to NRS by [2021, 298](#))

NRS 333.337 Duties of persons authorized to enter into contracts pursuant to this chapter. Each person who is authorized pursuant to the provisions of this chapter to enter into any contract on behalf of this state shall ensure that the contract:

1. Includes any provision related to insurance that the State Risk Manager determines is necessary;

2. Is reduced to writing;

3. Is signed by each party to the contract; and

4. Is approved by the Purchasing Division or the Office of the Attorney General.

(Added to NRS by [1999, 42](#); A [2019, 783](#))

NRS 333.338 Prohibition on entering contract with company without written certification relating to certain boycotts of Israel; regulations.

1. The Administrator shall not enter into a contract with a company unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.

2. The Administrator shall adopt regulations as necessary to carry out the provisions of this section.

3. As used in this section:

(a) “Boycott of Israel”:

(1) Means, except as otherwise provided in subparagraph (2), refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:

(I) Israel; or

(II) A person or entity doing business in Israel or in territories controlled by Israel, if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.

(2) Does not include an action that is described in subparagraph (1) if the action:

(I) Is based on a bona fide business or economic reason;

(II) Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or

(III) Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.

(b) “Company” means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.

(Added to NRS by [2017](#), [1611](#), [1612](#))

NRS 333.339 Prohibition against entering or renewing certain contracts. Any contract that is entered into or renewed pursuant to this chapter may not:

1. Require the filing of any action or the arbitration of any dispute that arises from the contract to be instituted or heard in another state or nation; or

2. Require the State to indemnify another party against liability for damages.

(Added to NRS by [2021](#), [2025](#))

NRS 333.340 Award of contract or order for goods: Determination of lowest responsible bidder; written statement to be provided if contract or order is not awarded to lowest bidder.

1. Every contract or order for goods must be awarded to the lowest responsible bidder. To determine the lowest responsible bidder, the Administrator:

(a) Shall consider, if applicable:

(1) The granting of the preference described in [NRS 333.3366](#).

(2) The granting of the preference described in [NRS 333.3354](#).

(3) The imposition of the inverse preference described in [NRS 333.33695](#).

(4) The required standards adopted pursuant to [NRS 333.4611](#).

(b) May consider:

(1) The location of the using agency to be supplied.

(2) The qualities of the articles to be supplied.

(3) The total cost of ownership of the articles to be supplied.

(4) Except as otherwise provided in subparagraph (5), the conformity of the articles to be supplied with the specifications.

(5) If the articles are an alternative to the articles listed in the original request for bids, whether the advertisement for bids included a statement that bids for an alternative article will be considered if:

(I) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(II) The purchase of the alternative article results in a lower price; and

(III) The Administrator deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(6) The purposes for which the articles to be supplied are required.

(7) The dates of delivery of the articles to be supplied.

2. If a contract or an order is not awarded to the lowest bidder, the Administrator shall provide the lowest bidder with a written statement which sets forth the specific reasons that the contract or order was not awarded to him or her.

3. As used in this section, "total cost of ownership" includes, but is not limited to:

(a) The history of maintenance or repair of the articles;

(b) The cost of routine maintenance and repair of the articles;

(c) Any warranties provided in connection with the articles;

(d) The cost of replacement parts for the articles; and

(e) The value of the articles as used articles when given in trade on a subsequent purchase.

[23:333:1951]—(NRS A [1997, 486, 1562](#); [1999, 464, 465, 1027](#); [2003, 1616](#); [2009, 2667, 2754](#); [2017, 2137, 4110](#); [2021, 299](#))

NRS 333.350 Contracts for separate items or portions or groups of items or for portions or groups of portions of project; rejection of all bids or proposals; necessary open market purchases; withdrawal of bid or proposal; records of bids and proposals.

1. A contract may be awarded for separate items or portions or groups of items, or for separate portions or groups of portions of a project, as the best interest of the State requires.

2. If, in the judgment of the Administrator, no satisfactory:

(a) Bid has been received, the Administrator may reject all bids and shall promptly advertise for new bids as provided in this chapter. Until a satisfactory contract is awarded, the Administrator may make as many open market purchases of the commodities involved as are urgently needed to meet the requirements.

(b) Proposal has been received, the Administrator may reject all proposals and may advertise for new proposals as provided in this chapter.

3. The Administrator may allow a person to withdraw his or her bid or proposal without penalty if:

(a) The Administrator believes that an obvious error has been made by the person which would cause him or her financial hardship; and

(b) The contract has not yet been awarded.

4. Each bid or proposal and the name of the person making the bid or proposal must be entered on a record. The record, with the name of the successful bidder or proposer indicated thereon, must, after the award of the contract, be open to public inspection.

[24:333:1951]—(NRS A [1963, 1057](#); [1985, 44](#); [1991, 622](#))

NRS 333.355 Administrator of Purchasing Division may request check or bond to accompany bid or proposal.

1. The Administrator may request that a certified check, cashier's check or bond, in an amount not to exceed 5 percent of the total value of the bid or proposal, accompany a bid or proposal, if the request applies to each person who submits a bid or proposal.

2. No division or department of the State is liable for any expense incurred by or loss of income sustained by any person because of a request made pursuant to subsection 1.

(Added to NRS by [1991, 619](#))

NRS 333.360 Performance bonds; Administrator of Purchasing Division may require check or bond before entering into contract.

1. A bond furnished by a surety company authorized to do business in this state may be required by the Administrator for the proper performance of the contract. The Administrator may request a certified check, cashier's check or bond, in an amount not to exceed the total amount of the contract, before entering into a contract with a person who submits a successful bid or proposal.

2. No division or department of the State is liable for any expense incurred by or loss of income sustained by any person because of a request made pursuant to subsection 1.

[25:333:1951]—(NRS A [1963, 1058](#); [1991, 623](#))

NRS 333.365 Breach of contract: Penalties.

1. A person who has entered into a contract with the Purchasing Division or another agency of this state and who does not perform according to the terms of the contract is liable for, in addition to any other applicable damages for breach of contract, a penalty of not more than 5 percent of the total value of the bid or contract. The penalty must be recovered in a civil action upon the complaint of the Administrator in any court of competent jurisdiction. In addition to recovering the penalty and any other applicable damages, the Administrator may refuse to accept a bid from the person or refuse to award a contract to the person, or both, for not more than 2 years.

2. If the Administrator does not bring an action to recover the penalty prescribed by subsection 1, he or she may:

(a) Refuse to accept a bid from the person, refuse to award a contract to the person, or both, for not more than 2 years; and

(b) Impose an administrative penalty, in an amount not to exceed 5 percent of the total value of the bid or contract. Such a penalty may be recovered only after notice is given to the person by mail.

3. A penalty imposed pursuant to subsection 1 or 2 may be deducted from any payment due the person or, if a bond has been issued or a check received, a claim may be made against the bond or check. If no payment is due and no bond was issued or check received, the Administrator may issue a claim for payment of the penalty. The claim must be paid within 30 days.

(Added to NRS by [1991, 619](#); A [1997, 487](#); [2003, 870](#))

NRS 333.370 Appeal by person making unsuccessful bid or proposal.

1. A person who makes an unsuccessful bid or proposal may file a notice of appeal with the Purchasing Division and with the Hearings Division of the Department of Administration within 11 days after the date of award as entered on the bid record. The notice of appeal must include a written statement specifying any alleged violation of this chapter.

2. A person filing a notice of appeal must post a bond with good and solvent surety authorized to do business in this state or submit other security, in a form approved by the Administrator by regulation, to the Purchasing Division, who shall hold the bond or other security until a determination is made on the appeal. Except as otherwise provided in subsection 3, a bond posted or other security submitted with a notice of appeal must be in an amount equal to 25 percent of the total value of the successful bid submitted.

3. If the total value of the successful bid cannot be determined because the total requirements for the contract are estimated as of the date of award, a bond posted or other security submitted with a notice of appeal must be in an amount equal to 25 percent of the estimated total value of the contract. Upon request, the Administrator shall provide:

(a) The estimated total value of the contract; or

(b) The method for determining the estimated total value of the contract,

È based on records of past experience and estimates of anticipated requirements furnished by the using agency.

4. Within 20 days after receipt of the notice of appeal, a hearing officer of the Hearings Division of the Department of Administration shall hold a contested hearing on the appeal in substantial compliance with the provisions of [NRS 233B.121](#) to [233B.1235](#), inclusive, [233B.125](#) and [233B.126](#). The successful bidder must be given notice of the hearing in the same manner as the person who filed the notice of appeal. The successful bidder may participate in the hearing. Within 60 days after receipt of the notice of appeal, the hearing officer shall make a determination on the appeal.

5. The hearing officer may only cancel the award for lack of compliance with the provisions of this chapter. A cancellation of the award requires a new award in accordance with the provisions of this chapter.

6. A notice of appeal filed in accordance with the provisions of this section operates as a stay of action in relation to any contract until a determination is made by the hearing officer on the appeal.

7. A person who makes an unsuccessful bid or proposal may not seek any type of judicial intervention until the hearing officer has made a determination on the appeal.

8. The Administrator may make as many open market purchases of the commodities or services as are urgently needed to meet the requirements of the Purchasing Division or the using agency until a determination is made on the appeal. With the approval of the Administrator, the using agency may make such purchases for the agency.

9. Neither the State of Nevada, nor any agency, contractor, department, division, employee or officer of the State is liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a person who makes an unsuccessful bid or proposal, whether or not the person files a notice of appeal pursuant to this section.

10. If the appeal is upheld and the award is cancelled, the bond posted or other security submitted with the notice of appeal must be returned to the person who posted the bond or submitted the security. If the appeal is rejected and the award is upheld, a claim may be made against the bond or other security by the Purchasing Division and the using agency to the Hearings Division of the Department of Administration in an amount equal to the expenses incurred and other monetary losses suffered by the Purchasing Division and the using agency because of the unsuccessful appeal. The hearing officer shall hold a hearing on the claim in the same manner as prescribed in subsection 4. Any money not awarded by the hearing officer must be returned to the person who posted the bond or submitted the security.

[26:333:1951]—(NRS A [1963, 1058](#); [1971, 14](#); [1985, 45](#); [1991, 623](#); [1995, 378](#); [1997, 487](#); [2019, 783](#))

NRS 333.372 Regulations concerning forms of security to be submitted with notice of appeal. The Administrator shall adopt regulations specifying the forms of security which may be submitted with a notice of appeal filed pursuant of [NRS 333.370](#).

(Added to NRS by [1995, 378](#))

NRS 333.375 Award of certain contracts to nonprofit organization or agency whose primary purpose is training and employment of persons with mental or physical disabilities.

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 Purchasing Division 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 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).

(Added to NRS by [1987, 1641](#); A [2001, 1536](#); [2007, 2494](#); [2009, 2237](#); [2017, 1546](#))

NRS 333.380 Rules of Administrator to provide procedure for unscheduled or emergency purchases and purchases with money from State Purchasing Fund. Rules of the Administrator must provide the procedure for:

1. The purchase of commodities not scheduled under this chapter.
2. Emergency purchases, defining emergencies and stating the conditions under which emergency purchases may be made, by an agency not specifically authorized by statute to establish its own procedure for emergency purchases.

3. Purchases made with money from the State Purchasing Fund.

[27:333:1951]—(NRS A [1963, 1058](#); [1983, 388](#); [1987, 1021](#))

NRS 333.390 Authorization for using agency to purchase items not available directly from state contract; records.

1. Except as otherwise provided in [NRS 333.435](#), the Administrator may authorize using agencies to purchase items that are not available directly from an entity with which the Purchasing Division has entered into a contract if such a purchase is made in accordance with the State Administrative Manual created by [NRS 232.004](#), provisions of this chapter and any regulations adopted pursuant thereto.

2. Each authorization must be revocable at the discretion of the Administrator.

3. A using agency that receives an authorization shall keep a record of:

- (a) Its accounts and expenditures pursuant to that authority; and
- (b) Evidence indicating that every effort has been made to secure competitive bidding to the extent practicable.

[28:333:1951]—(NRS A [1963, 1058](#); [1965, 225](#); [1975, 72](#); [1979, 176](#); [1985, 45](#); [1987, 102](#); [1991, 623](#); [2003, 548](#); [2019, 784](#))

NRS 333.395 Contracts with certificated interstate or intrastate carriers of persons or property; informal quotations of rates.

1. Nothing in this chapter prohibits the Administrator or a using agency from contracting for interstate or intrastate carriage of persons or property with a certificated common or contract carrier at the rates set forth in the officially approved tariff of such carrier.

2. Nothing in this section prohibits the Administrator or a using agency from soliciting informal rate quotations.

(Added to NRS by [1969, 1057](#))

NRS 333.400 Purchase of commodities out of schedule: Quotations to be obtained; exceptions.

1. Every effort shall be made to obtain quotations from three or more vendors when commodities are to be purchased out of schedule, except when standard equipment parts for which prices are established must be obtained from the manufacturer of the equipment or his or her agent or when the article needed is a patented or proprietary one and therefore obtainable from only one source of supply.

2. Urgent requests for immediate purchasing shall be discouraged as much as is practicable.

3. When supplies, materials and equipment urgently are required and time does not permit the obtaining of written quotations, the Administrator may obtain quotations by telephone or otherwise, but such quotations shall be confirmed in writing, and records of all quotations so obtained shall be made on the relative purchase requisitions.

[29:333:1951]—(NRS A [1963, 1059](#))

NRS 333.410 Quotations to be secured from state institutions; preference to products. So far as practicable, quotations shall be secured from institutions of the State whenever commodities or services are to be secured of kinds that they are prepared to supply through the labor of inmates, and preference shall be given to the products of such institutions, price, quality and time of delivery being considered.

[30:333:1951]

NRS 333.420 Delivery of supplies, material and equipment: Memoranda of shipments and invoices to be transmitted by seller. Every person, firm or corporation making or causing to be made any delivery of supplies, materials or equipment to any using agency of the State pursuant to any contract or order, whether oral or written, and whether made by the Administrator or by any other officer or agency of the State, promptly shall:

1. Transmit to the agency to which such delivery is made a memorandum of shipment, showing the number of, or other identifying reference to, the contract or order number under which the delivery is made and containing a statement of the commodities shipped and the quantities thereof.

2. Submit an invoice to the Administrator on the form and in the number of copies prescribed by the Administrator or under the authority of the Administrator.

[33:333:1951]—(NRS A [1963, 1059](#))

NRS 333.430 Cooperation of two or more departments in securing supplies: Distribution of expense. Two or more departments may unite in cooperative work along lines germane to the functions of such departments and otherwise secure from each other supplies; and the heads thereof may agree among themselves on the distribution of the expense to be incurred, subject to the approval of the Administrator or a designated agent of the Administrator.

[38:333:1951]—(NRS A [1963, 1059](#))

NRS 333.435 Purchase of prescription drugs, pharmaceutical services or medical supplies by using agency; maintenance of records.

1. Except as otherwise provided in subsection 2, a using agency shall purchase prescription drugs, pharmaceutical services, or medical supplies and related services, or any combination thereof, only through the Purchasing Division.

2. A using agency may, on its own behalf or in cooperation with one or more other using agencies or, in accordance with the provisions of subsection 3 of [NRS 277.110](#), other governmental entities or private entities within or outside this State, purchase prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division if the using agency or using agencies or other governmental entities, as applicable, can obtain the best value for prescription drugs, pharmaceutical services, or medical supplies and related services from the other entity and the Purchasing Division is unable to match or exceed that best value in a timely manner.

3. If a using agency purchases prescription drugs, pharmaceutical services, or medical supplies and related services from an entity other than the Purchasing Division pursuant to subsection 2, the using agency shall maintain a record of:

(a) The purchase price for the prescription drugs, pharmaceutical services, or medical supplies and related services; and

(b) The name, address and telephone number of the entity that sold the using agency the prescription drugs, pharmaceutical services, or medical supplies and related services.

4. Any record created pursuant to subsection 3 is a public record.

(Added to NRS by [2003, 547](#); A [2005, 670](#); [2021, 1754](#), [2026](#))

NRS 333.450 Payment of claims for supplies, materials, equipment and services; annual assessment of fee for procurement and inventory services provided to using agencies; assessment of administrative fee on vendors for supplies, materials, equipment or services obtained on behalf of entities on a voluntary basis to offset operating expenses of Purchasing Division; regulations.

1. Except as otherwise provided in [NRS 227.185](#), claims for supplies, materials, equipment and services purchased pursuant to the provisions of this chapter must, when approved by the Administrator, be paid in the same manner as other claims against the State are required to be paid.

2. The Administrator shall annually assess each using agency a fee for the procurement and inventory services provided by the Purchasing Division to the using agency. The fee must be based on the using agency's use of the procurement and inventory services of the Purchasing Division during preceding years. The Administrator shall adjust the formula for calculating the fee each biennium.

3. If an agency is not a using agency, the Administrator shall assess a fee of not more than the cost to the Purchasing Division to process the order for the agency.

4. If the Purchasing Division has obtained supplies, materials, equipment or services pursuant to a single contract or order from a vendor on behalf of two or more using agencies or governmental entities which have obtained supplies, materials, equipment or services on a voluntary basis from the Purchasing Division pursuant to [NRS 333.469](#) or [333.470](#), or any combination thereof, the Administrator may assess and collect from the vendor an administrative fee in an amount not to exceed 4 percent of the total cost of the supplies, materials, equipment or services.

5. The administrative fee collected pursuant to subsection 4 may be used by the Administrator to offset the operating expenses of the Purchasing Division, including, without limitation, the implementation and maintenance of a system of on-line bidding or a computer system for the management and reporting of the procurement process.

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

7. As used in this section, "on-line bidding" has the meaning ascribed to it in [NRS 333.313](#).

[44:333:1951; A [1953, 585](#)]—(NRS A [1963, 1059](#); [1965, 1021](#); [1973, 628](#); [1983, 388](#); [1995, 368](#); [1999, 1415](#); [2003, 628](#); [2011, 457](#); [2017, 2175](#))

NRS 333.460 Payment by using agency by transfer or warrant. Within 5 working days after the receipt of supplies, materials and equipment, each state officer, department, institution, board, commission or agency shall authorize the State Controller to draw money by transfer or warrant from the using agency's account for payment of the claim.

[46:333:1951; A [1953, 585](#)]—(NRS A [1963, 1060](#); [1965, 224, 1022](#); [1983, 388](#); [1991, 624](#); [1999, 1416](#))

RECYCLED PRODUCTS AND ENERGY EFFICIENT DEVICES

NRS 333.4603 Definitions. As used in this section and [NRS 333.4606](#) and [333.4609](#), unless the context otherwise requires:

1. "Postconsumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.

2. “Recycled paper product” means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:

- (a) Postconsumer waste; and
- (b) Secondary waste,

Ê but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.

3. “Secondary waste” means fragments of products or finished products of a manufacturing process, which has converted a virgin resource into a commodity of real economic value.

(Added to NRS by [1991, 1674](#))

NRS 333.4606 Administrator of Purchasing Division to revise specifications for procuring goods and products; preference to purchase recycled products; conditions under which bidder whose product contains postconsumer waste deemed lowest bidder.

1. The Administrator shall review and revise the specifications for procuring goods and products for the using agencies to eliminate discrimination against the procurement or purchase of recycled products whenever the quality of a recycled product is reasonably equal to the same product manufactured with virgin resources. Except for specifications which have been established to preserve the public health and safety, all specifications for procurement must be established in a manner which results in the maximum procurement and purchase of recycled products.

2. When purchasing goods and products for the using agencies, the Administrator shall give preference to recycled products if:

- (a) The product meets the applicable standards;
- (b) The product can be substituted for a comparable nonrecycled product; and
- (c) The product costs no more than a comparable nonrecycled product.

3. When purchasing goods and products for the using agencies, the Administrator may give preference to recycled products if:

- (a) The product meets the applicable standards;
- (b) The product can be substituted for a comparable nonrecycled product; and

(c) The product costs no more than 5 percent more than a comparable nonrecycled product.

4. To encourage the use of postconsumer waste, a bidder who manufactures a product in Nevada that contains postconsumer waste shall be deemed to be the lowest bidder if:

- (a) At least 50 percent of the product, by weight, contains postconsumer waste;
- (b) The product complies with the applicable standards; and

(c) The amount of the bid is not more than 10 percent higher than the bid of any other bidder.

5. A bidder whose product contains postconsumer waste shall certify in writing:

- (a) That the product contains postconsumer waste; and
- (b) The percentage of postconsumer waste, by weight, that is contained in the product.

(Added to NRS by [1991, 1674](#))

NRS 333.4609 Regulations to give preference to purchase of recycled paper products; purchase of recycled paper products by Administrator of Purchasing Division.

1. After consultation with the State Department of Conservation and Natural Resources, the Administrator shall adopt regulations governing the bidding procedure and specifications for paper and paper products purchased by the Purchasing Division that encourage the

maximum purchase of recycled paper products. The specifications must give preference to recycled paper products manufactured with the highest percentage of recycled material.

2. When purchasing any paper or paper products for use by a using agency, the Administrator shall purchase recycled paper products if the specific recycled paper product is:

- (a) Available at a price not more than that of paper products made from virgin material;
- (b) Of adequate quality; and
- (c) Available to the purchaser within a reasonable period.

3. When purchasing any paper or paper products for use by a using agency, the Administrator may purchase recycled paper products if the specific recycled paper product is:

- (a) Available at a price not more than 10 percent higher than that of paper products made from virgin material;
- (b) Of adequate quality; and
- (c) Available to the purchaser within a reasonable period.

(Added to NRS by [1991, 1675](#))

NRS 333.4611 Regulations establishing standards for devices that use electricity, natural gas, propane or oil; exceptions.

1. The Administrator shall adopt regulations which set forth standards to be used by using agencies when purchasing new appliances, equipment, lighting and other devices that use electricity, natural gas, propane or oil. Except as otherwise provided in subsection 2, the standards must require that such new appliances, equipment, lighting and other devices have received the Energy Star label pursuant to the program established pursuant to 42 U.S.C. § 6294a, or its successor, or meet the requirements established pursuant to 48 C.F.R. § 23.203.

2. The standards described in subsection 1 do not apply insofar as:

(a) No items in a given class of appliances, equipment, lighting or other devices have been evaluated to determine whether they are eligible to receive the Energy Star label or have been designated by the Federal Government to meet the requirements established pursuant to 48 C.F.R. § 23.203; or

(b) The purchase of new appliances, equipment, lighting or other devices that have received the Energy Star label would not be cost-effective in an individual instance, comparing the cost of the item to the cost of the amount of energy that will be saved over the useful life of the item.

(Added to NRS by [2009, 2754](#))

PURCHASING FOR LEGISLATIVE AND JUDICIAL DEPARTMENTS, CIVIL AIR PATROL, NEVADA SYSTEM OF HIGHER EDUCATION, LOCAL GOVERNMENTS AND DISTRICTS

NRS 333.469 Use of facilities of Purchasing Division by Legislative and Judicial Departments and Civil Air Patrol to obtain supplies, materials and equipment. Any agency, bureau, commission or officer of the Legislative Department or the Judicial Department of the State Government or the Nevada Wing of the Civil Air Patrol or any squadron thereof may obtain supplies, materials and equipment on a voluntary basis through the facilities of the Purchasing Division.

(Added to NRS by [1963, 488](#); A [1975, 338](#); [1983, 1900](#); [2019, 785](#))

NRS 333.470 Use of facilities of Purchasing Division by Nevada System of Higher Education, local governments and districts to obtain supplies, materials and equipment. The Nevada System of Higher Education, local governments as defined in [NRS 354.474](#), conservation districts and irrigation districts in the State of Nevada may obtain

supplies, materials and equipment on a voluntary basis through the facilities of the Purchasing Division.

[40:333:1951]—(NRS A [1963, 505, 1280](#); [1967, 203](#); [1969, 1430](#); [1975, 249](#); [1981, 1188](#); [1993, 392](#); [1995, 2044](#); [1999, 1818](#); [2003, 549](#); [2005, 670](#); [2019, 785](#))

PURCHASING THROUGH SOLICITATIONS OR AGREEMENTS OF OTHER GOVERNMENTAL ENTITIES; FEDERAL SURPLUS PROPERTY

NRS 333.475 Entering into contract pursuant to solicitation for bid or proposal by other governmental entities.

1. The Administrator may enter into a contract pursuant to a solicitation for a bid or proposal by:

(a) A governmental entity located in this State; or

(b) A governmental entity located outside of this State if the entity uses an open and competitive method of awarding the contract that is substantially similar to the method prescribed by state law.

2. The provisions of subsection 1 apply regardless of whether the solicitation the Administrator seeks to join is open or completed.

(Added to NRS by [2019, 779](#))

NRS 333.480 Purchase and acquisition of supplies, materials or equipment from vendor who has entered into agreement with General Services Administration or certain other federal agencies; prohibition if contractor's license required for agreement.

1. Except as otherwise provided in subsection 2, the Administrator may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the Executive Department of the State Government, volunteer fire departments, local governments as defined in [NRS 354.474](#), conservation districts or irrigation districts of the State of Nevada, any supplies, materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in [NRS 354.474](#), conservation districts or irrigation districts that may be available pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another federal agency dealing in supplies, materials, equipment or donable surplus material if:

(a) The prices for the supplies, materials or equipment negotiated in the agreement that the Administrator enters into with the vendor are substantially similar to the prices for those supplies, materials or equipment that the vendor had negotiated with the General Services Administration or other federal agency; and

(b) The Administrator determines that such an agreement would be in the best interests of the State.

2. The Administrator shall not enter into an agreement pursuant to subsection 1 if a contractor's license issued pursuant to [chapter 624](#) of NRS is required for any portion of the agreement.

[42:333:1951; A [1953, 585](#)]—(NRS A [1963, 49, 489, 1285](#); [1975, 249](#); [1989, 2145](#); [2001, 1320](#); [2013, 69](#); [2019, 785](#))

NRS 333.490 Procurement and distribution of federal surplus property to eligible institutions and organizations; creation of Surplus Property Administration Account.

1. The Administrator shall secure, warehouse and distribute throughout the state federal donable surplus property to tax-supported or nonprofit schools and other health and educational institutions, to organizations for emergency management, to volunteer fire departments, and to such other institutions or activities as are eligible pursuant to federal law

to acquire such property. The Administrator may make such certifications, develop and sign such plans of operation, take such action and enter into such contracts and undertakings for and in the name of the State as are authorized or required by federal law or regulations in connection with the receipt, warehousing and distribution of federal donable surplus property received by him or her. The Administrator may adopt regulations, prescribe requirements and take the necessary action to ensure maximum utilization by and benefit to eligible institutions and organizations from the federal donable surplus property. The Administrator shall charge the schools and institutions receiving donable surplus property secured through the Purchasing Division, the charge to be a percentage of the cost of acquisition or of the fair value of the item requested that is sufficient to repay part or all of the cost of transportation and other costs incurred in acquisition of the property.

2. All money received by the Administrator pursuant to this section must be deposited in the State Treasury for credit to the Surplus Property Administration Account, which is hereby created in the State Purchasing Fund. The interest and income earned on the money in the Account must be credited to the Account. All expenses for the distribution of federal surplus property must be paid from the Account as other claims against the State are paid.

3. The Administrator may discontinue temporarily or terminate entirely the operation of purchasing and distributing donable surplus property at any time if there is not a sufficient flow of property to make continued employment of personnel for this purpose beneficial to the State.

[43:333:1951; A [1953, 585](#)](NRS A [1957, 151](#); [1963, 50, 1062](#); [1979, 105](#); [1983, 176](#); [1985, 46](#); [1991, 1766](#); [1995, 368](#); [2001, 691](#))

NRS 333.495 Authorizations to secure transfer of federal surplus property to state departments, agencies or political subdivisions.

1. Any provision of law to the contrary notwithstanding, the governing board or, if there be none, the executive head of any state department or agency or any local government as defined in [NRS 354.474](#), conservation district or irrigation district may, by order or resolution, confer upon any officer or employee thereof authority to secure the transfer to it of federal donable surplus property under this chapter and agree on behalf of the State or local government as defined in [NRS 354.474](#), conservation district or irrigation district to comply with the terms and conditions of such transfers.

2. The authority conferred upon any such officer or employee by any such order or resolution shall remain in effect unless and until the order or resolution is revoked and written notice of such revocation has been received by the Administrator.

(Added to NRS by [1957, 151](#); A [1963, 1062](#); [1975, 250](#))

INDEPENDENT CONTRACTORS

NRS 333.700 Definition; contracts for services; regulations.

1. Except as otherwise provided in [NRS 333.705](#), a using agency may contract for the services of a person as an independent contractor. Except as otherwise provided by specific statute, each such contract must be awarded pursuant to this chapter.

2. An independent contractor is a natural person, firm or corporation who agrees to perform services for a fixed price according to his, her or its own methods and without subjection to the supervision or control of the other contracting party, except as to the results of the work, and not as to the means by which the services are accomplished.

3. For the purposes of this section:

(a) Travel, subsistence and other personal expenses may be paid to an independent contractor, if provided for in the contract, in such amounts as provided for in the contract. Those expenses must not be paid pursuant to the provisions of [NRS 281.160](#).

(b) There must be no:

- (1) Withholding of income taxes by the State;
- (2) Coverage for industrial insurance provided by the State;
- (3) Participation in group insurance plans which may be available to employees of the State;
- (4) Participation or contributions by either the independent contractor or the State to the Public Employees' Retirement System;
- (5) Accumulation of vacation leave or sick leave; or
- (6) Coverage for unemployment compensation provided by the State if the requirements of [NRS 612.085](#) for independent contractors are met.

4. An independent contractor is not in the classified or unclassified service of the State and has none of the rights or privileges available to officers or employees of the State of Nevada.

5. If the contract is for services for which a license, certificate, registration, permit or other type of authorization is required by law, an independent contractor must hold the appropriate, current authorization that is required by law for the services.

6. Except as otherwise provided in this subsection, each contract for the services of an independent contractor must be in writing. The form of the contract must be first approved by the Attorney General, and except as otherwise provided in subsection 8, an executed copy of each contract must be filed with the Fiscal Analysis Division of the Legislative Counsel Bureau and the Clerk of the State Board of Examiners. The State Board of Examiners may waive the requirements of this subsection in the case of contracts which are for amounts less than \$2,000.

7. Except as otherwise provided in subsection 8, and except for contracts entered into by the Nevada System of Higher Education, each proposed contract with an independent contractor must be submitted to the State Board of Examiners. The contracts do not become effective without the prior approval of the State Board of Examiners, except that the State Board of Examiners may authorize its Clerk or a designee to approve contracts which are:

- (a) For amounts less than \$100,000; or
- (b) Entered into by the Nevada Gaming Control Board for the purposes of investigating an applicant for or holder of a gaming license.

8. Copies of the following types of contracts need not be filed or approved as provided in subsections 6 and 7:

(a) Contracts executed by the Department of Transportation, other than contracts subject to the provisions of [NRS 333.705](#) or [408.353](#).

(b) Contracts executed by the State Public Works Division of the Department of Administration or any other state department or agency for any work of construction or major repairs of state buildings, if the contracting process was controlled by the rules of open competitive bidding.

(c) Contracts executed by the Housing Division of the Department of Business and Industry.

(d) Contracts executed with business entities for any work of maintenance or repair of office machines and equipment.

9. The State Board of Examiners shall review each contract submitted for approval pursuant to subsection 7 to consider:

- (a) Whether sufficient authority exists to expend the money required by the contract; and
- (b) Whether the service which is the subject of the contract could be provided by a state agency in a more cost-effective manner.

È If the contract submitted for approval continues an existing contractual relationship, the State Board of Examiners shall ask each agency to ensure that the State is receiving the services that the contract purports to provide.

10. If the services of an independent contractor are contracted for to represent an agency of the State in any proceeding in any court, the contract must require that the independent contractor identify in all pleadings the specific state agency which he or she is representing.

11. Except as otherwise provided in this subsection, a contract for the services of an independent contractor may be performed in parts or phases. A contract for the services of an independent contractor must not be split into separate contracts for the purpose of avoiding any requirements for competitive bidding.

12. The State Board of Examiners may adopt regulations to carry out the provisions of this section.

(Added to NRS by [2009, 2229](#); A [2013, 49](#); [2019, 50](#); [2021, 2027](#))

NRS 333.705 Contracts for services: Limitations and requirements; approval by State Board of Examiners; emergencies; reports to Interim Finance Committee; exceptions. [Effective through December 31, 2025.]

1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or

(c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

Ê unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.

3. The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:

(a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of [NRS 333.700](#); and

(b) Must occur before the date on which the contract becomes binding on the using agency.

4. A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract

and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

5. Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

6. Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

7. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

- (a) The number of consultants employed by the board, commission or institution;
- (b) The purpose for which the board, commission or institution employs each consultant;
- (c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and
- (d) The length of time each consultant has been employed by the board, commission or institution.

8. A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:

- (a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than \$1,000,000; and
- (b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

- (a) The Nevada System of Higher Education or a board or commission of this State.
- (b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.
- (c) Contracts in the amount of \$1,000,000 or more entered into:
 - (1) Pursuant to the State Plan for Medicaid established pursuant to [NRS 422.063](#).
 - (2) For financial services.
 - (3) Pursuant to the Public Employees' Benefits Program.
- (d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.
- (e) The employment of a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees' Retirement System during the duration of the contract.

(Added to NRS by [2013, 47](#); A [2017, 585](#))

NRS 333.705 Contracts for services: Limitations and requirements; approval by State Board of Examiners; emergencies; reports to Interim Finance Committee; exceptions. [Effective January 1, 2026.]

1. Except as otherwise provided in this section, a using agency shall not enter into a contract with a person to provide services for the using agency if:

- (a) The person is a current employee of an agency of this State;
- (b) The person is a former employee of an agency of this State and less than 2 years have expired since the termination of the person's employment with the State; or
- (c) The person is employed by the Department of Transportation for a transportation project that is entirely funded by federal money and the term of the contract is for more than 4 years,

Ê unless the using agency submits a written disclosure to the State Board of Examiners indicating the services to be provided pursuant to the contract and the person who will be providing those services and, after reviewing the disclosure, the State Board of Examiners approves entering into a contract with the person. The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a using agency if the person will be performing or producing the services for which the business or entity is employed.

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a using agency shall provide the using agency with the names of the employees to be provided to the agency. The State Board of Examiners shall not approve a contract pursuant to paragraph (b) of subsection 1 unless the Board determines that one or more of the following circumstances exist:

- (a) The person provides services that are not provided by any other employee of the using agency or for which a critical labor shortage exists; or
- (b) A short-term need or unusual economic circumstance exists for the using agency to contract with the person.

3. The approval by the State Board of Examiners to contract with a person pursuant to subsection 1:

- (a) May occur at the same time and in the same manner as the approval by the State Board of Examiners of a proposed contract pursuant to subsection 7 of [NRS 333.700](#); and
- (b) Must occur before the date on which the contract becomes binding on the using agency.

4. A using agency may contract with a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the State Board of Examiners if the term of the contract is for less than 4 months and the head of the using agency determines that an emergency exists which necessitates the contract. If a using agency contracts with a person pursuant to this subsection, the using agency shall submit a copy of the contract and a description of the emergency to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the using agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.

5. Except as otherwise provided in subsection 9, a using agency shall, not later than 10 days after the end of each fiscal quarter, report to the Interim Finance Committee concerning all contracts to provide services for the using agency that were entered into by the using agency during the fiscal quarter with a person who is a current or former employee of a department, division or other agency of this State.

6. Except as otherwise provided in subsection 9, a using agency shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

7. Each board or commission of this State and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

- (a) The number of consultants employed by the board, commission or institution;
- (b) The purpose for which the board, commission or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission or institution; and

(d) The length of time each consultant has been employed by the board, commission or institution.

8. A using agency, board or commission of this State and each institution of the Nevada System of Higher Education:

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than \$1,000,000; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

9. The provisions of subsections 1 to 6, inclusive, do not apply to:

(a) The Nevada System of Higher Education or a board or commission of this State.

(b) The employment of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is entirely funded by federal money.

(c) Contracts in the amount of \$1,000,000 or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to [NRS 422.063](#).

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(4) Pursuant to the Public Option established pursuant to [NRS 695K.200](#).

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

(e) The employment of a former employee of an agency of this State who is not receiving retirement benefits under the Public Employees' Retirement System during the duration of the contract.

(Added to NRS by [2013, 47](#); A [2017, 585](#); [2021, 3634](#), effective January 1, 2026)

NRS 333.710 Contracts for security services when personnel of Capitol Police Division not available; use of independent contractors by Supreme Court.

1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to [NRS 333.700](#), contract with one or more independent contractors to provide such services.

2. If the Chief Justice of the Supreme Court determines that additional security is needed for the safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may contract with one or more independent contractors to provide security services for the facility or building. Any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.

3. An independent contractor with whom a using agency contracts pursuant to subsection 1 must:

(a) Be licensed as a private patrol officer pursuant to [chapter 648](#) of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to [NRS 289.500](#).

4. An independent contractor with whom the Supreme Court contracts pursuant to subsection 2 must be licensed as a private patrol officer pursuant to [chapter 648](#) of NRS or employed by a person so licensed.

(Added to NRS by [2009, 2231](#); A [2011, 80](#))

PROHIBITIONS AND PENALTIES

NRS 333.800 Prohibited acts by bidders before award of contract; penalty.

1. Before a contract is awarded, a person who has provided a bid or proposal on the contract or an officer, employee, representative, agent or consultant of such a person shall not:

(a) Make an offer or promise of future employment or business opportunity to, or engage in a discussion of future employment or business opportunity with, the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered;

(b) Offer, give or promise to offer or give money, a gratuity or any other thing of value to the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered; or

(c) Solicit or obtain from the Administrator, a purchasing officer or an employee of the using agency for which the contract is being offered:

(1) Any proprietary information regarding the contract; or

(2) Any information regarding a bid or proposal on the contract submitted by another person, unless such information is available to the general public.

2. A person who violates any of the provisions of subsection 1 is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not less than \$2,000 nor more than \$50,000, or by both fine and imprisonment.

(Added to NRS by [1995, 1732](#); A [2007, 2469](#); [2013, 982](#))

NRS 333.810 Purchases and contracts made contrary to provisions of chapter void; liability of state officers and employees; exception.

1. Except as otherwise provided in subsection 3, any purchase and any contract for the purchase of any service, supplies, materials or equipment, made or entered into by any state officer, department, institution, board, commission or agency contrary to the provisions of this chapter and the rules and regulations of the Administrator promulgated pursuant thereto, shall be void; but the head of the using agency and the employee who actually made such purchase or entered into such contract shall be personally liable for the costs of any service, supplies, materials or equipment delivered pursuant to such purchase or contract.

2. Any contract made with any person, firm or corporation shall be void if any member, officer or employee of any using agency taking part in the making of such contract is also an officer or employee or owner of a substantial part or interest in such firm or corporation.

3. The provisions of this section do not apply to a contract for the purchase of any service, supplies, materials or equipment for a public work that is awarded in compliance with [chapter 338](#) of NRS.

4. As used in this section, "public work" has the meaning ascribed to it in [NRS 338.010](#).

[48:333:1951]—(NRS A [1963, 1062](#); [2013, 51](#))

NRS 333.820 Purchase of information system or system of communication for use by response agency prohibited unless complies with state plan.

1. On and after October 1, 2005, the Administrator, the Purchasing Division or a using agency shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection 6 of [NRS 239C.160](#).

2. On and after October 1, 2005, any grant or other money received by the Administrator, the Purchasing Division or a using agency from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection 6 of [NRS 239C.160](#).

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in [NRS 239C.060](#).

(b) "Response agency" has the meaning ascribed to it in [NRS 239C.080](#).

(c) "System of communication" has the meaning ascribed to it in [NRS 239C.100](#).

(Added to NRS by [2003, 2463](#); A [2005, 932](#); [2011, 2886](#))