

**City of Carson City
Agenda Report**

Date Submitted: May 23, 2014

Meeting Date: June 5, 2014

Time Requested: 10 minutes

Labor Commissioner PWP # CC-2014-180

To: Mayor and Supervisors

From: Purchasing and Contracts

Subject Title: For Possible Action: To reject all bids under paragraph IB.3 (B.) page ITB-10 of the Bid Document 1314-175 for the East West Water Transmission Main Project – Ph. 2A-1 and direct staff to issue a new bid solicitation document that does not include any subcontractor disclosure requirements other than those authorized pursuant to NRS 338.141.

Staff Summary: Carson City received sealed bids for all labor, material, tools and equipment necessary for the East West Water Transmission Main Project Ph. 2A-1. Sierra Nevada Construction, Inc. protested the award to A & K Earth Movers, Inc. and the award was stayed. Staff believes its inclusion of subcontractor disclosure requirements in excess of the requirements of NRS 338.141 was a bid document error because the City does not possess legal authority under Dillon's Rule to exceed the bidding selection criteria and responsive bid requirements established by NRS chapter 338.

Type of Action Requested: (check one)

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

Recommended Board Action: To reject all bids under paragraph IB.3 (B.) page ITB-10 of the Bid Document 1314-175 for the East West Water Transmission Main Project – Ph. 2A-1 and direct staff to issue a new bid solicitation document that does not include any subcontractor disclosure requirements other than those authorized pursuant to NRS 338.141.

Explanation for Recommended Board Action: Inclusion of subcontractor disclosure requirements in excess of the requirements of NRS 338.141 was a bid document error that cannot be upheld as a valid basis for a bid protest because the City does not possess legal authority under Dillon's Rule to exceed the bidding selection criteria and responsive bid requirements established by NRS chapter 338.

Applicable Statute, Code, Rule or Policy: N.R.S. Chapter 338 Public Works

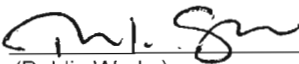
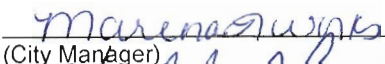
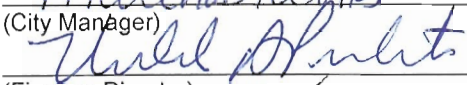
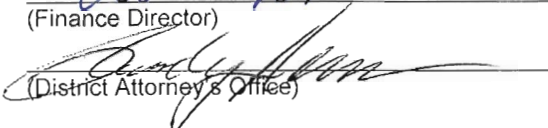
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Provide other direction pursuant to Board Action.

Supporting Material: N/A

Prepared By: Kim Belt, Purchasing and Contracts Manager

Reviewed By: 
(Public Works)

(City Manager)

(Finance Director)

(District Attorney's Office)

Date: 5/27/14

Date: 5/27/14

Date: 5/27/14

Date: 5/27/14

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)