

FREQUENTLY ASKED QUESTIONS
PUBLIC WORKS
PREVAILING WAGE CONSTRUCTION PROJECTS

SUBCONTRACTOR SUBSTITUTIONS

Can a prime contractor substitute a subcontractor that was listed in their bid?

Yes, but only in accordance with Nevada Revised Statutes (NRS) Chapter 338.141.5, which states the following:

5. A contractor whose bid is accepted shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:
 - (a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.
 - (b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:
 - (1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;
 - (2) The named subcontractor files for bankruptcy or becomes insolvent;
 - (3) The named subcontractor fails or refuses to perform his subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or
 - (4) The named subcontractor is not properly licensed to provide that labor or portion of the work.
 - (c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:
 - (1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and
 - (2) Requests in writing a substitution of the subcontractor.

All listed subcontractors must be properly licensed and have an appropriate license limit for the work to be performed. Improperly licensed subcontractors must be replaced by the prime contractor in accordance with NRS Chapter 338.141.

If the prime contractor attempts to substitute your company for any other reason, please contact the Clark County department representative identified on the cover letter.

CONTRACTOR PROGRESS PAYMENTS

How much time does the awarding body have to pay the prime contractor after receiving an approved progress bill?

In accordance with NRS Chapter 338.515, the awarding body shall pay a contractor the progress payments due within 30 days after receipt of an approved progress bill. (Note: Refer to NRS Chapter 338.400 through 338.645 for other information related to payments and remedies for non-payment.)

How much time does the prime contractor (or subcontractor) have to pay subcontractors and suppliers after receiving payment from the awarding body?

In accordance with NRS Chapter 338.550 and 338.590, each contractor or subcontractor shall disburse money paid to him, including any interest which he receives, to his subcontractors and suppliers within 10 days after he receives the money.

Are contractors entitled to interest on funds withheld by the awarding body?

Yes. See NRS Chapter 338.510 through 338.535 for details.

Are subcontractors and suppliers entitled to interest for funds withheld by the prime contractor?

Yes. See NRS Chapter 338.550 through 338.570 for details.

Are subcontractors and suppliers entitled to interest for funds withheld by subcontractors and suppliers?

Yes. See NRS Chapter 338.590 through 338.610 for details.

PREVAILING WAGE RATES

If this is a prevailing wage project, how can I find the rates?

In accordance with NRS Chapter 338.020, the hourly and daily rates must be posted on the project site in a place generally visible to the workers. The rates can also be obtained by accessing the State of Nevada Labor Commissioner's website: www.labor.nv.gov or by calling (702) 486-2650.

If I am not paid the correct prevailing wage rate on this project, who do I contact?

Contact the State of Nevada Labor Commissioner's Office at (702) 486-2650.

Can penalties or legal action result if a contractor is found in violation of paying the proper prevailing wage rate?

Yes. Refer to NRS Chapter 338.013 through 338.090 and NAC 338.120 and 338.125 for details.

Are subcontractors required to submit monthly prevailing wage reports to the public body?

Yes. Pursuant to NRS 338.070 prevailing wage reports must be received by the public body no later than 15 days after the end of the month. Please refer to your contract with prime contractor to ensure you make his required deadline.

CONTRACTOR'S BONDS

Are bonds required for public works projects?

In accordance with NRS Chapter 339.025, for any public works project over \$100,000, a performance bond and payment bond must be provided by the prime contractor. Clark County does not currently require that subcontractors provide these bonds, however it is always the option of the prime contractor to add additional requirements in its contract with its subcontractors. See NRS Chapter 339 for additional information on bonding.

Where do I obtain a copy of the payment bond?

Contact the Purchasing and Contracts Division at 455-2897. Please have the following information before calling: bid number, project name, and prime contractor name.

FUTURE CONSTRUCTION PROJECTS

How do I find information on future Clark County contracting opportunities?

Contracting opportunities are available by calling Clark County Purchasing and by visiting <http://www.clarkcountynv.gov/purchasing>. The County also advertises in the Public Notices section of the Las Vegas Review Journal and sends notices of contracting opportunities to various plan rooms, councils and chambers.

APPLICABLE LAWS

Where do I find a copy of applicable laws?

A copy of NRS 338 (Public Works Projects), NAC 338 (Public Works Projects) and NRS 339 (Contractors Bonds on Public Works) can be obtained by visiting the State of Nevada's web site: www.leg.state.nv.us.