

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC WORKS - NEVADA

Laborers' Intern. Union of North America, Local Union No. 169 v. Truckee Carson Irr. Dist.

Supreme Court of Nevada - April 23, 2014 - Slip Copy - 2014 WL 1677653

In October 2011, Truckee Carson Irrigation District (TCID) solicited bids from qualified contractors for a public works project on the Truckee Canal. Out of six bidders, A & K Earthmover submitted the prevailing bid and was awarded the contract. Although one bidder, K.G. Walters, informally questioned whether A & K Earthmovers had properly complied with the subcontractor listing requirements of [NRS 338.141](#), neither it nor any other bidder submitted a formal notice of protest under [NRS 338.142](#). Nevertheless, Laborers' International Union of North America, Local Union No. 169, party to a collective bargaining agreement with K.G. Walters, and Joseph R. Maciel, a Union member, petitioned the district court for a writ of mandamus or prohibition, asserting that all bids besides that of K.G. Walters violated [NRS 338.141](#) and seeking to compel rejection of those bids. TCID filed a motion to dismiss the writ petition, which the district court granted upon determining that the Union and Maciel lacked standing and that the bid was properly awarded to A & K Earthmover.

The Union and Maciel appealed, contending that they have standing because Union employees, including Maciel, would likely have been employed on the project if noncompliant bids were rejected and the only responsive bidder, with whom the Union has a collective bargaining agreement, were chosen instead. The Union and Maciel also pointed out that the public works statutes are intended to promote the public's interest in securing competition, preserving public funds, and protecting against corruption. They argued that, as citizens and taxpayers who would likely have benefitted from K.G. Walters' selection as the responsive bidder, they should be allowed to pursue the public's interest in ensuring that the public works statutes are strictly complied with here.

TCID disagreed, noting that the project had been completed and arguing that neither the Union nor Maciel would be directly benefitted by the issuance of the writ, and that they are not proper parties to pursue any remedy on the public's behalf.

The Supreme Court of Nevada agreed with TCID, concluding that the district court did not err. The court noted that standing to obtain relief on behalf of the public is available only in limited circumstances.