

**Brian Sandoval**  
*Governor*



**Patrick Cates**  
*Director*

**Gustavo "Gus" Nunez**  
*Administrator*

**Carson City Offices:**  
515 East Musser Street, Suite 102  
Carson City, Nevada 89701-4263

*Public Works Section*  
(775) 684-4141 | Fax (775) 684-4142

*Buildings & Grounds Section*  
(775) 684-1800 | Fax (775) 684-1821

**STATE OF NEVADA**  
**DEPARTMENT OF ADMINISTRATION**  
***Public Works Division***

**Las Vegas Offices:**  
*Public Works Section*  
1830 East Sahara Avenue, Suite 204  
Las Vegas, Nevada 89104-3739  
(702) 486-5115 | Fax (702) 486-5094

*Buildings & Grounds Section*  
2621 East Sahara Avenue  
Las Vegas, Nevada 89104-4136  
(702) 486-4300 | Fax (702) 486-4308

**STATE PUBLIC WORKS DIVISION**  
**PUBLIC WORKSHOP AGENDA**  
**Video Conference**

**October 2, 2015**  
**9:00 am**

**Location:**  
**State Public Works Division**  
**515 East Musser Street**  
**Conference Room**  
**Carson City NV 89701**  
**775-684-4141**

**State Public Works Division**  
**1830 E Sahara, Suite 204**  
**Las Vegas Nevada 89105**  
**702-486-5115**

The Department of Administration, State Public Works Division, will conduct a Public Workshop meeting on October 2, 2015 beginning at 9:00 a.m. at the State Public Works Division located at 515 E Musser Street, Carson City, Nevada with video-conferencing to 1830 E Sahara, Suite 204, Las Vegas, Nevada.

1. Call to Order/ Introductions.
2. Public Comment-Public comments will be taken during this agenda item. No action may be taken on any matter raised under this item until the matter is included on an Agenda as an item on which action may be taken. Public Comment may be limited to three minutes per person.
3. Review of proposed draft regulations revising Nevada Administrative Code (NAC), Sections 338.450, 338.460, 338.240, and 338.285.
4. Public Comment-Public comments will be taken during this agenda item. No action may be taken on any matter raised under this item until the matter is included on an Agenda as an item on which action may be taken. Public Comment may be limited to three minutes per person.

5. Review of proposed draft regulations for State Public Works Division, Buildings & Grounds, Nevada Revised Statute (NRS) 331.070, 331.110, and 331.120.
6. Public Comment-Public comments will be taken during this agenda item. No action may be taken on any matter raised under this item until the matter is included on an Agenda as an item on which action may be taken. Public Comment may be limited to three minutes per person.
7. Adjournment (Possible Action).

Public comments will be taken at the beginning and end of the meeting. Public comment may be limited to three minutes per person. No action may be taken upon a matter raised during public comment until the matter has been specifically included on an agenda as an item upon which action may be taken.

For supporting materials, please contact the State Public Works Division: Denesa Johnston, State Public Works Division, 515 E. Musser, Suite 102, Carson City, Nevada 8970, 775-684-4103, [djohnston@admin.nv.gov](mailto:djohnston@admin.nv.gov).

This Workshop Meeting Agenda has been sent to all persons on the State Public Works Division mailing list for Administrative Regulations and posted on the State Public Works Division's website: <http://publicworks.nv.gov/> and at the following sites:

State Public Works Division  
Grant Sawyer Building  
Bradley Building  
Carson City Legislative Building  
Washoe County Clerk's Office

Carson City, NV & Las Vegas NV  
Las Vegas, NV  
Las Vegas, NV  
Carson City, NV  
Reno, NV

Carson City Public Library  
900 North Roop Street  
Carson City, NV 89701-3101

Churchill County Library  
553 South Main Street  
Fallon NV 89406-3306

Las Vegas-Clark County Library District  
Headquarters  
833 Las Vegas Blvd., North  
Las Vegas, NV 89101-2062

Douglas County Public Library  
1625 Library lane  
Minden NV 89423-0337

Elko County Library  
720 Court Street  
Elko NV 89801-3397

Esmeralda County Library  
PO Box 430  
Goldfield, NV 89013-0430

Eureka County Library  
10190 Monroe Street  
Eureka, NV 89316

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnamucca NV 89445-3095

Battle Mountain Branch Library (Lander County)  
625 South Broad Street  
Battle Mountain, NV 89820

Lincoln County Library  
63 Main Street  
Pioche NV 89043

Lyon County Library System  
20 Nevin Way  
Yerington NV 89447-2399

Pershing County Library  
1125 Central Ave.  
Lovelock, NV 89419

Tonopah Public Library (Nye County)  
PO Box 449  
Tonopah, NV 89049

White Pine County Library  
950 Campton Street  
Ely, NV 89301

Mineral County Public Library  
PO Box 1390  
Hawthorne, NV 89415

Storey County Clerk's Office  
Drawer D  
Virginia City NV 89440

Washoe County Library System  
301 South Center Street  
Reno NV 89501-2102

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(702) 486-4300 | Fax (702) 486-4308

**2015**  
**PROPOSED REGULATION OF THE**  
**THE DEPARTMENT OF ADMINISTRATION**  
**STATE PUBLIC WORKS DIVISION OF**  
**BUILDINGS & GROUNDS SECTION**

**LCB FILE NO. R098-15**  
**Small Business Impact Statement**

Pursuant to NRS 233B.0608 (1), the State Public Works Division, Buildings & Grounds Section (Buildings & Grounds) is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0383 defines a small business to be any business that employs 150 or fewer employees.

The Buildings & Grounds has considered the two factors in NRS 233B.0608 (1) and also acknowledges the following:

1. Buildings & Grounds is statutorily directed by NRS 331.110 to negotiate and manage all leases for office space outside of state buildings.

The proposed regulations implements NRS 331.110.

2. Buildings & Grounds is statutorily directed by NRS 331.070 to supervise and control all state buildings, grounds and properties not otherwise provided for by law.

The proposed regulations sets forth the authority for Buildings & Grounds to issue special use permits to allow for the public's use of state owned property.

The proposed regulation also set forth controls for state agencies use of state owned buildings and grounds.

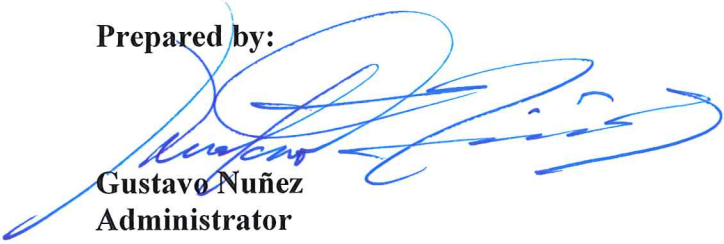
3. Buildings & Grounds is statutorily directed by NRS 331.120 to assign rooms within the Capitol Building, and rooms elsewhere used by the state.

The proposed regulation sets forth the implementation of such assignment.

**Therefore, the State Public Works Division makes the following finding:**

- 1. The proposed regulations will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.**

**Prepared by:**

A handwritten signature in blue ink, appearing to read 'Gustavo Nuñez', is written over the printed name and title.

**Gustavo Nuñez  
Administrator**

**Brian Sandoval**  
*Governor*



**Patrick Cates**  
*Director*

**Gustavo "Gus" Nunez**  
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2015

**PROPOSED REGULATION OF THE  
DEPARTMENT OF ADMINISTRATION  
STATE PUBLIC WORKS DIVISION**

**LCB FILE NO. R099-15  
Small Business Impact Statement**

Pursuant to NRS 233B.0608 (1), the State Public Works Division is required to make a determination whether its proposed regulations will: (a) impose a direct and significant economic burden upon small business, and (b) directly restrict the formation, operation, or expansion of small business. NRS 233B.0383 defines a small business to be any business that employs 150 or fewer employees.

The State Public Works Division has considered the two factors in NRS 233B.0608 (1) and also acknowledges the following:

1. The State Public Works Division is statutorily directed by NRS 338.1384 to 338.13847 to qualify businesses owned by veterans with a service connected disability a 5% preference on certain contracts. Assembly Bill 62, passed in the 2015 Legislative Session amended these statutes.

The proposed amendments to the regulations conforms the NAC to Assembly Bill 62.

2. SPWD is required to qualify contractor for public works projects over \$100,000 and \$100,000 or less. The qualification process will include a contractor evaluation. An evaluation on a project under \$100,000 is not helpful in accessing a contractor's performance history.

The proposed amendment deletes section 2(b) of NAC 338.245 requiring evaluation of contractors on projects less than \$100,000. The Amendment also revises NAC 338.285 requiring contractor evaluations only on projects over \$100,000.

- 3 NRS 338.1375 requires the State Public Works Division to qualify contractors before they contract for public works projects. Current statute and regulation allows for consideration of past performance including dispute history.

**The proposed amendment revises NAC 338.240 and requires a more comprehensive report of a contractor's dispute history on public works projects allowing for a more accurate assessment of a contractor's past performance.**

**Therefore, the State Public Works Division makes the following finding:**

- 1. The proposed regulation will not impose a direct and significant economic burden upon small business and will not directly restrict the formation, operation, or expansion of small business.**

**Prepared by:**

**Gustavo Nuñez  
Administrator**

## NOTICE OF PUBLIC WORKSHOP

NOTICE IS HEREBY GIVEN that, prior to the State Public Works Division's (SPWD) formal hearing and adoption process, the State Public Works Division will hold a Public Workshop to consider an amendment to chapter 331 of the Nevada Revised Statute (NRS) and chapter 338 of the Nevada Administrative Code (NRS).

The proposed amendment will adopt:

### **Nevada Administrative Code 338.450, 338.460, 338.240 and 338.285**

1. LCB File No. R099-15: This is an Amendment to NAC 338.450, 338.460, 338.240 and 338.285 and allows the SPWD to qualify businesses owned by veterans with a service connected disability for a 5% preference on certain contracts. It also proposes to delete section 2(b) of NAC 338.245 requiring contractor evaluations on projects less than \$100,000 and also revises NAC 338.285 to require contractor evaluations on projects over \$100,000 only. The proposed amendment revises NAC 338.240 and requires a more comprehensive report of a contractor's dispute history on public works projects.

### **New-Nevada Administrative Code for Buildings & Grounds**

1. LCB File No. R098-15: The new proposed regulations implement NRS 331.070, 331.110, and 331.120 regarding leasing office space outside state buildings, the issuance of special use permits, controls for state agencies use of state owned buildings and grounds, and the assignment of rooms within the Capitol Building, and rooms elsewhere used by the state.

The workshop is scheduled to begin at 9:00 a.m. on October 2, 2015, and will be conducted by video conference between the following locations:

State Public Works Division  
515 East Musser Street, Suite 102  
Carson City, Nevada 89701-4263

and

State Public Works Division  
1830 East Sahara, Suite 204  
Las Vegas, Nevada 89104

**Members of the public may make oral comments at this meeting. Persons wishing to submit written testimony or documentary evidence in the excess of two typed, 8 ½" x 11" pages must submit the material to the Administrator, State Public Works Division, and must be received no later than September 30, 2015, at the following address:**

State Public Works Division  
515 East Musser Street, Suite 102  
Carson City, Nevada 89701-4263



**Written comments, testimony, or documentary evidence in excess of two typed pages will not be accepted at the time of the hearing. The purpose of this requirement is to allow adequate time for the review of the documents.**

Members of the public who are disabled and require special accommodations or assistance at the meeting are required to notify the State Public Works Division, 515 East Musser, Suite 102, Carson City, Nevada 89701-4263, Phone (775) 684-4141, at least 24 hours prior to the date of the workshop.

A "Notice of Workshops" has been sent to all persons on the agency's mailing list for administrative regulation. The proposed regulation is available on our website: <http://publicworks.nv.gov/>. Copies are on file for inspection and copying at the followings locations during normal business hours: State Public Works Division's offices located at: 515 East Musser Street, Suite 102, Carson City, Nevada 89701-4263 and 1830 East Sahara, Suite 204, Las Vegas, Nevada 89104.

## NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library  
900 North Roop St  
Carson City, NV 89702

Churchill County Library  
553 S. Maine Street  
Fallon, NV 89406

Clark County District Library  
833 Las Vegas, Boulevard N.  
Las Vegas, NV 89101

Douglas County Library  
1625 Library Lane  
Minden, NV 89423

Elko County Library  
720 Court Street  
Elko, NV 89801

Esmeralda County Library  
Fourth & Crook Street  
Goldfield, NV 89013

Eureka Branch Library  
P.O. Box 293  
Eureka, NV 89316

Humboldt County Library  
85 East 5th Street  
Winnemucca, NV 89445

Battle Mountain Branch Library (Lander County)  
625 South Broad Street  
Battle Mountain, NV 89820

Lincoln County Library  
63 Main Street  
Pioche, NV 89043

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447

Mineral County Library  
110 1<sup>st</sup> Street  
Hawthorne, NV 89415

Pershing County Library  
1125 Central Avenue  
Lovelock, NV 89419

Storey County Clerk's Office  
Drawer D  
Virginia City, NV 89440

Tonopah Public Library  
167 Central Street  
Tonopah, NV 89049

Washoe County Library  
301 South Center  
Reno, NV 89505

White Pine County Library  
950 Campton Street  
Ely, NV 89301

**DRAFT REGULATIONS**  
**Public Works Division of the Department of Administration**

Qualification for Veteran's Preference

(Additions are noted in **bold underlined** text and deletions are noted in ~~strikethrough~~.)

NAC 338.450 Application; list of businesses qualified to receive preference **on contracts with an estimated cost of \$100,000 or less.** (NRS 338.1375, 338.13844, 338.13847, 341.070, 341.110, **Assembly Bill 62**)

1. To qualify to receive the preference set forth in NRS 338.13844, a business must:
  - (a) Submit an application to the Administrator on a form prescribed and provided by the Board; and
  - (b) Certify in writing on the application and include with the application documentation evidencing that the business is:
    - (1) A local business; ~~and~~
    - (2) A business owned by a veteran with a service-connected disability; **and**
    - (3) **A business operated by a veteran with a service-connected disability.**
2. The Division will:
  - (a) Compile and maintain a list of the businesses that the Administrator has determined are qualified to receive the preference set forth in NRS 338.13844; and
  - (b) Post the list on the Internet website maintained by the Division.
3. As used in this section:
  - (a) "Business owned **and operated** by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.
  - (b) "Local business" has the meaning ascribed to it in NRS 333.3363.
  - (c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

**NAC 338.460 Application; list of businesses qualified to receive preference on contracts with an estimated cost of more than \$100,000 but less than \$250,000. (NRS 338.1375, 338.13844, 338.13847, 341.070, 341.110, Assembly Bill 62)**

1. **To qualify to receive the preference set forth in Assembly Bill 62, section 22 a business must:**
  - (a) Submit an application to the Administrator on a form prescribed and provided by the Board; and**
  - (b) Certify in writing on the application and include with the application documentation evidencing that the business is:**
    - (1) A local business;**
    - (2) A business owned by a veteran with a service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs; and**
    - (3) A business operated by a veteran with service-connected disability that has been determined to be 50 percent or more by the United States Department of Veterans Affairs.**
2. **The Division will:**
  - (a) Compile and maintain a list of the businesses that the Administrator has determined are qualified to receive the preference set forth in NRS 338.13844; and**
  - (b) Post the list on the Internet website maintained by the Division.**
3. **As used in this section:**
  - (a) "Business owned and operated by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.**
  - (b) "Local business" has the meaning ascribed to it in NRS 333.3363.**

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Qualification of Contractor's Under \$100,000

NAC 338.245 Criteria for qualification for public work with estimated cost of less than \$100,000; pertinent documentation and information. (NRS 338.1375, 338.13895, 341.070, 341.110)

1. The following criteria must be used to determine whether a prime contractor is qualified to bid on a contract for one or more public works for which the estimated cost is less than \$100,000:

(a) The financial ability of the prime contractor to perform the contract. The prime contractor must include with the application submitted pursuant to NAC 338.250:

(1) Evidence that the prime contractor is properly licensed pursuant to chapter 624 of NRS.

(2) A statement regarding whether the prime contractor, principal personnel or any business entity associated with the principal personnel has filed as a debtor under the United States Bankruptcy Code during the 5 years immediately preceding the date of the application.

(b) Whether the prime contractor, the principal personnel or any business entity associated with the principal personnel has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895 during the 5 years immediately preceding the date of the application.

2. In addition to the information provided by a prime contractor:

(a) Any other verifiable information relating to the criteria set forth in subsection 1 that is provided to or discovered by the Division or its employees regarding the prime contractor may be used to determine whether the prime contractor is qualified to bid on one or more contracts for public works for which the estimated cost is less than \$100,000; and

~~(b) Each final evaluation of the performance of the prime contractor on a public work of this State that was provided to the prime contractor pursuant to NAC 338.285 on or after September 18, 2008, and within the 5 years immediately preceding the date of the application will be used to determine whether the prime contractor is qualified to bid on one or more contracts for public works for which the estimated cost is less than \$100,000.~~

Qualification of Contractors Over \$100,000

NAC 338.240 Criteria for qualification for public work with estimated cost of \$100,000 or more; pertinent documentation and information; exceptions. (NRS 338.1375, 338.13895, 341.070, 341.110)

1. Except as otherwise provided in subsection 3, the following criteria must be used to determine whether a prime contractor is qualified to bid on a contract for one or more public works for which the estimated cost is \$100,000 or more:

(a) The financial ability of the prime contractor to perform the contract. The prime contractor must include with the application submitted pursuant to NAC 338.250:

(1) Evidence that the prime contractor is properly licensed pursuant to chapter 624 of NRS.

(2) A statement regarding whether the prime contractor, the principal personnel or any business entity associated with the principal personnel has filed as a debtor under the United States Bankruptcy Code during the 5 years immediately preceding the date of the application.

(3) A certified original statement of the bonding capacity of the prime contractor obtained for a surety which is authorized to issue bid, performance and payment bonds in this State and which:

(I) Has received a rating of "A-" or better, as determined by A.M. Best Company of Oldwick, New Jersey; and

(II) For a contract that:

(i) Is more than \$5,000,000, is classified in a financial size category of "VII" or better, as determined by A.M. Best Company of Oldwick, New Jersey, and is included on the list of approved sureties in Circular 570 of the United States Department of the Treasury; or

(ii) Is \$5,000,000 or less, is included on the list of approved sureties in Circular 570 of the United States Department of the Treasury.

➔ The requirements of sub-subparagraphs (I) and (II) do not apply if the surety is Lloyd's of London. The certified original statement must specify the single and aggregate limits on and the available bonding capacity of the prime contractor to work on a public work.

(b) The qualifications of the principal personnel of the prime contractor. The prime contractor must include in the application submitted pursuant to NAC 338.250 a description of the professional qualifications and relevant experience of the principal personnel of the prime contractor and list not more than 10 public works and private construction projects, or any combination thereof, within the cost category for which the prime contractor is applying that have been successfully completed by the principal personnel. For each such successfully completed project included on the list, the prime contractor must provide:

- (1) The name of the project;
- (2) The scope of the project or work done;
- (3) The dollar amount of the project; and
- (4) The month and year of substantial completion and final completion of the project.

(c) Whether the prime contractor, the principal personnel or any business entity associated with the principal personnel has been found to be in breach of contract by a court of competent jurisdiction or through binding arbitration during the 5 years immediately preceding the date of the application. For each such action, the prime contractor must include in the application submitted pursuant to NAC 338.250 a description of:

- (1) The circumstances surrounding the action;
- (2) Whether any liquidated damages were imposed in connection with the action; and
- (3) Any judgment entered against the prime contractor, the principal personnel or business entity associated with the principal personnel relating to the action.

(d) Whether the prime contractor, the principal personnel or any business entity associated with the principal personnel has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895 during the 5 years immediately preceding the date of the application.

(e) The past performance history of the prime contractor, the principal personnel and each business entity associated with the principal personnel during the 5 years immediately preceding the date of the application. The prime contractor must include in the application submitted pursuant to NAC 338.250:

- (1) A description of:
  - (I) Any civil judgment, findings of fact, administrative proceeding, criminal conviction or binding arbitration relating to a violation of any law pertaining to wage and hour standards, prevailing wage rates or licensing either against or by the prime contractor, principal personnel or business entity associated with the principal personnel; and
  - (II) Any civil judgment, findings of fact, administrative proceeding, criminal conviction or binding arbitration relating to a violation of any law pertaining to discrimination in employment with respect to construction work performed by the prime contractor either against or by the prime contractor, principal personnel or business entity associated with the business personnel.

(2) A list of all public works and private construction projects undertaken or completed by the prime contractor, principal personnel or business entity associated with the principal personnel during the 5 years immediately preceding the date of the application for which the cost exceeded \$25,000 and for which:

- (I) The prime contractor, principal personnel or business entity associated with the principal personnel failed to substantially complete the contract within the deadline for completion of the project specified in the contract, as adjusted by any change order or extension of time granted;

(II) The prime contractor, principal personnel or business entity associated with the principal personnel failed to complete any remaining requirements of the contract within 90 days after substantial completion of the contract; or

(III) The prime contractor, principal personnel or business entity associated with the principal personnel failed to complete the contract and the remaining work on the project was performed by another person.

(3) If the application is for qualification for a 2-year period, a list of not more than 10 public works and private construction projects, or any combination thereof, that the prime contractor has successfully completed during the 5 years immediately preceding the date of the application and for which the cost of each of those projects is within the cost category for which the prime contractor seeks qualification to submit bids. For each project included on the list, the prime contractor must provide:

(I) The name of the project;

(II) The location of the project;

(III) The cost of the project;

(IV) A brief explanation of the type of work performed on the project; and

(V) The name, address and telephone number of the owner of the project, the owner's project manager, and the architect or engineer of the project.

(4) If the application is for qualification on a specific public work, a list of all public works and private construction projects undertaken or completed by the prime contractor during the 5 years immediately preceding the date of the application for which the level of complexity or special requirements of the project were similar to the complexity or special requirements specified by the Division in the application for the specific public work. For each project included on the list, the prime contractor must provide:

(I) The name of the project;

(II) The location of the project;

(III) A brief explanation of the type of work performed on the project; and

(IV) The name, address and telephone number of the owner of the project, the owner's project manager, and the architect or engineer of the project.

(f) Whether the prime contractor, the principal personnel or any business entity associated with the principal personnel has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the prime contractor to perform the work.

**(g) The past performance history of the prime contractor, the principal personnel and each business entity associated with the principal personnel during the 5 years immediately preceding the date of the application. The prime contractor must include in the application submitted pursuant to NAC 338.250:**

**(1) A description of:**

**(I) Any civil judgment, findings of fact, administrative proceeding, or binding arbitration relating to any public works construction project either against or by the prime contractor, principal personnel or business entity associated with the principal personnel. For each such action include the following:**

**(1) The name of the project;**

**(2) The scope of work;**

**(3) The circumstances surrounding the action;**

**(4) Whether any liquidated damages were imposed in connection with the action;**

**(5) The outcome of the action; and**

**(6) Any judgment entered against the prime contractor, the principal personnel or business entity associated with the principal personnel relating to the action whether the result of a civil action, administrative proceeding, binding arbitration or mediation.**

2. In addition to the information provided by a prime contractor:
  - (a) Any other verifiable information relating to the criteria set forth in subsection 1 that is provided to or discovered by the Division or its employees regarding the prime contractor may be used to determine whether the prime contractor is qualified to bid on one or more contracts for public works for which the estimated cost is \$100,000 or more; and
  - (b) Each final evaluation of the performance of the prime contractor on a public work of this State that was provided to the prime contractor pursuant to NAC 338.285 on or after September 18, 2008, and within the 5 years immediately preceding the date of the application will be used to determine whether the prime contractor is qualified to bid on one or more contracts for public works for which the estimated cost is \$100,000 or more.
3. The criteria set forth in subsection 1 are not required to be used if:
  - (a) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333; and
  - (b) The public work involves the construction, reconstruction, improvement or maintenance of highways pursuant to this chapter, chapter 408 of NAC or chapter 338 or 408 of NRS.
4. As used in this section, "highway" has the meaning ascribed to it in NRS 408.070.

NAC 338.285 Evaluation of performance of prime contractor qualified for ~~on~~ public work **with an estimated cost of \$100,000 or more.** (NRS 338.1375, 341.070, 341.110)

1. **For all prime contractors qualified to perform public works with an estimated costs of \$100,00 or more,** Within 30 days after the final completion of a public work, the Division or its designee will provide the prime contractor on the public work with a copy of an initial evaluation of the performance of the prime contractor on the public work. The initial evaluation must be prepared by the employee of the Division who was primarily responsible for managing the public work and must be approved by the supervisor of the employee.
2. Within 30 days after receipt of an initial evaluation pursuant to subsection 1, a prime contractor may submit to the Division or its designee a response to the initial evaluation, which must include, without limitation, any information or documentation that the prime contractor determines is relevant to the initial evaluation.
3. The Division or its designee will provide to the prime contractor a copy of the final evaluation of the performance of the prime contractor on the public work:
  - (a) If the prime contractor submitted a response pursuant to subsection 2, within 30 days after receipt of the response by the Division or its designee.
  - (b) If the prime contractor did not submit a response pursuant to subsection 2, within 60 days after provision of the initial evaluation to the prime contractor pursuant to subsection 1.
4. The final evaluation of the performance of the prime contractor on the public work:
  - (a) Must:
    - (1) Be prepared by the employee of the Division who prepared the initial evaluation and approved by the supervisor of the employee; and
    - (2) If the prime contractor submitted a response pursuant to subsection 2, include the response as an attachment; and
  - (b) If the prime contractor submitted a response pursuant to subsection 2, may include any revisions to the initial evaluation that the employee of the Division who prepared the initial evaluation deemed necessary based upon the response.

**DRAFT REGULATIONS**  
**State Public Works Division of the**  
**Department of Administration Buildings & Grounds Section**

**Leases**

The Administrator is responsible for negotiating, approving and overseeing the leasing and equipping of office rooms outside of state buildings for the use of state officers, departments, agencies, whenever sufficient space cannot be provided within state buildings. (NRS 331.110) In doing so, the Administrator shall consider, (a) the reasonableness of the terms of the agreement, including, without limitation, the cost; and (b) the availability of space for use by the state officers, departments, agencies, in buildings that are owned by or leased to the State.

Boards and commissions that are exempt from chapter 353 of NRS pursuant to NRS 353.005 may use Buildings & Grounds services for the negotiation and oversight of their leases for office rooms outside of state buildings.

**Budget Authorization:**

So that Buildings & Grounds can serve the state agency's needs, a state agency, board or commission seeking to lease office space outside of state buildings must submit a properly completed Budget Authorization Form to Buildings & Grounds.

If Buildings & Grounds does not accept a budget authorization form, Buildings & Grounds will notify the state agency of any deficiency when the budget authorization form is returned to the state agency for compliance. Only completed Budget Authorization forms will be accepted.

The Budget Authorization Form must include the following information:

1. Agency information including contact information for person(s) who will act on behalf of the agency to complete the budget process
2. Agency budget account information including current allocations for rent (if known), budget account number and decision/appropriation unit information as well as General Fund percentage
3. Agency budget analyst name and contact information
4. Department administrator signature, confirming budget approval for new leased space including moving costs and other related expenses.

**Space Justification**

The Space Request Form has been established to help State Agencies provided the necessary information to Leasing Services in order to locate required space at or below market cost after State Agencies have confirmed budget authority.

If Buildings & Grounds does not accept the Space Justification Form, Buildings & Grounds will notify the state agency of any deficiency when the Form is returned to the state agency for compliance. Only a completed Space Justification Form will be accepted.

The following information is required:

1. Completed Budget Authorization Form.
2. Agency requirements for additional space, replacement space, new space, renewal of existing lease, or other.
3. Agency budget analyst name and contact information.
4. Agency contact information; name and address for billing purpose and legal notices.
5. Desired location for leased space.
6. Desired lease term. If requesting more than five years, justification must be provided.
7. Completed Space Justification Spreadsheet including:
  - Number of staff (FTE's, contracted staff, interns, etc.)
  - Average number of conference room attendees
  - Space for copiers, fax machines, computer servers etc.
  - Need for reception area
  - Identified shared space and secured space requirements
  - Additional adjustments needed to perform work functions appropriately
8. Department administrator's signature
9. Timeframes-
  - Minimal or no tenant improvements – Allow a minimum of 90 days from the date request is received by the Buildings & Grounds
  - Extensive tenant improvements – Allow a minimum of 180 to 270 days from date request is received by the Buildings & Grounds

#### During the Lease Term

The Agency must notify and obtain the necessary approvals from Buildings & Grounds (as Lessee) prior to implementation of any planned improvements and/or modifications to the leased space, including but not limited to architectural, HVAC, electrical, ADA, life safety systems, ingress or egress modifications, or changes to occupancy load.

#### Special Use Permits

##### Definitions

Administrator defined. (NRS 331.020) "Administrator" means the Administrator of the Division.

Division defined (NRS 331.010) "Division means the State Public Works Division of the Department of Administration.

"Special use permit" defined. (331.070, 341.110) "Special use permit" means a permit that authorizes a natural person or a public or private organization to use certain state land or buildings that are under the supervision of the Administrator of the State Public Works Division of the Department of Administration, Buildings and Grounds Section for a special event or small or short-term business venture.

Applicability. (NRS 331.010 to 331.220)

The provisions of NAC \_\_\_\_\_, inclusive, apply to all lands and/or facilities owned by or administered by the Division.