

Brian Sandoval
Governor



Patrick Cates
Director

Chris Chimits
Interim Administrator

Carson City Offices:
Public Works Section
515 East Musser Street, Suite 102
Carson City, Nevada 89701-4263
(775) 684-4141 | Fax (775) 684-4142

Buildings & Grounds Section
515 East Musser Street, Suite 102
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STATE OF NEVADA
DEPARTMENT OF ADMINISTRATION
Public Works Division

Las Vegas Offices:
Public Works Section
2300 McLeod Street
Las Vegas, Nevada 89104-4314
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Buildings & Grounds Section
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STATE PUBLIC WORKS DIVISION
PUBLIC WORKSHOP AGENDA
Video Conferenced

May 1, 2018
8:00 a.m.

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

State Public Works Division
2300 McLeod Street
Las Vegas Nevada 89104
702-486-5115

The Department of Administration, State Public Works Division, will conduct a Public Workshop meeting on May 1, 2018 beginning at 8:00 a.m. at the State Public Works Division located at 515 E. Musser Street, Carson City, Nevada with video-conferencing to 2300 McLeod Street, 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 various sections of Nevada Administrative Code (NAC) Chapters 338 and 341 and creating NAC Chapter 331.
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. 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.

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 8970104263, phone (775) 684-4141, at least 24 hours prior to the date of the Workshop.

For supporting materials, please contact the State Public Works Division: Laura Adair, State Public Works Division, 515 E. Musser, Suite 102, Carson City, Nevada 8970, 775-684-4103, ladair@admin.nv.gov or copies of the 2018 Draft Regulations are available on the State Public Works Division's website: <http://publicworks.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 5th Street
Winnemucca, 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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April 16, 2018

PROPOSED REGULATION OF THE
DEPARTMENT OF ADMINISTRATION
STATE PUBLIC WORKS DIVISION
NAC 338 and 341

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 conform 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 Amendment 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.
4. Senate Bill 246 (2017) made minor modifications to the statutes governing Public Works use of Construction Manager at Risk. The proposed amendment reflects the new legislation.
5. The proposed regulation also eliminates the requirement of an "original" certified statement of bonding capacity.
6. Pursuant to NRS 341.100 (9)(a), the Division's Deputy Administrator - Compliance and Code Enforcement serves as the building official for construction of buildings or structures on State property. The proposed regulations propose adopting 2018 buildings codes and make other

minor revisions. The proposed regulations also allow the Division to charge fees consistent with the actual costs paid by the Division.

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:

A handwritten signature in black ink, appearing to read "Chris Chimits", written over a circular stamp or mark.

Chris Chimits, RA
Interim Administrator

Brian Sandoval
Governor



Patrick Cates
Director

Chris Chimits
Interim Administrator

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April 16, 2018
PROPOSED REGULATION OF THE
DEPARTMENT OF ADMINISTRATION
STATE PUBLIC WORKS DIVISION
BUILDINGS & GROUNDS SECTION

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 regulation will: (1) 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.

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

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

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

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 black ink, appearing to read "Chris Chimits", written over a circular stamp or seal.

Chris Chimits, RA SPWD Interim Administrator