

**PROPOSED REGULATION OF THE
STATE PUBLIC WORKS BOARD**

LCB File No. R076-18

May 31, 2018

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1, 3 and 4, NRS 341.070, 341.085, 341.087, 341.091 and 341.110; §2, NRS 338.1379, 341.070, 341.085, 341.110 and 341.145.

A REGULATION relating to public works projects; revising provisions relating to design standards for building and structures of the State; requiring certain bids to be submitted by qualified bidders in order to be considered; requiring the Deputy Administrator of the Public Works-Compliance and Code Enforcement Section of the State Public Works Division of the Department of Administration to determine the amount of a fee for the checking of the plans and specifications of certain projects by a third-party contractor; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Public Works Board to adopt standards for the design and construction of buildings or other projects of the State. (NRS 341.085, 341.087, 341.091) Existing regulations adopt by reference, with certain modifications, various uniform and international building codes, standards and guidelines as minimum standards for the design and construction of certain buildings and other projects of the State. Existing regulations also require that all buildings and structures of the State and any parts thereof to be designed using the structural standards for seismic zones, basic wind speed, wind exposure, frost line and the live loads and snow loads for roofs adopted by the political subdivision in which the building or structure is being constructed. (NAC 341.045) **Section 1** of this regulation clarifies that, if the standards adopted by reference by the Board are more stringent than those structural standards adopted by the political subdivision in which a building is being constructed, the building must be designed using the standards adopted by the Board. **Sections 1 and 4** of this regulation also update the publications adopted by reference and the cost of certain codes.

Existing law requires a contractor who wishes to bid on a contract for public work to submit an application to the State Public Works Division of the Department of Administration to be qualified to bid on the contract. (NRS 338.1375, 338.1379) Existing regulations prescribe

criteria for the Division to consider a bid. (NAC 341.077) **Section 2** of this regulation makes a conforming change by prohibiting the Division from considering a bid unless it was submitted by a qualified bidder.

Existing regulations require the Deputy Administrator of the Public Works-Compliance and Code Enforcement Section of the Division to determine, based on the actual costs to the Division, the amount of the fee that must accompany certain plans and specifications and permit applications. (NAC 341.171) **Section 3** of this regulation additionally requires the Deputy Administrator to determine the amount of the fee that must accompany the plans and specifications for a project which will be checked by a third-party contractor.

Section 1. NAC 341.045 is hereby amended to read as follows:

341.045 1. The Board hereby adopts by reference the following publications and establishes the standards contained therein as minimum standards for the design of state buildings, other than those excepted in NRS 341.141:

(a) The ~~2012~~ 2018 *International Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*;

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*;

(4) Section 105.1.1 is revised to read as follows:

“1. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an

annual permit upon application therefor to any state agency regularly employing one or more qualified tradepersons in the building or structure or on the premises owned or operated by the applicant for the permit.

2. In lieu of any individual permits that would otherwise be required, the building official is authorized to issue an annual permit upon application therefor to any state agency regularly employing one or more qualified tradepersons and one or more qualified design professionals in the building or structure or on the premises owned or operated by the applicant for the permit. The permit may authorize its holder to:

(a) Perform light construction, including, without limitation, a remodel or alteration, to an already approved building or structure; or

(b) Construct a building or structure with a gross area of 1,000 square feet or less for which the building official has already checked the plans and which is to be constructed at a site other than the site shown in the plans or at a location on the site other than the location shown in the plans.

3. An annual permit issued pursuant to this section to perform light construction to an already approved building or structure does not authorize the holder of the permit to perform any construction that:

(a) Changes the occupancy classification of the building or structure;

(b) Increases the occupant load of the building or structure;

(c) Modifies a structural element of the building or structure;

(d) Changes an egress path in or from the building or structure;

(e) Modifies a fire-rated assembly within the building or structure unless the modification is limited to the installation of a listed through penetration for piping or conduit; or

(f) Modifies a fire alarm system or fire sprinkler system within the building or structure.

4. As used in this section:

(a) “Journeyman” means a person who:

(1) Has successfully completed a program of apprenticeship in a building or construction trade that has been approved by the State Apprenticeship Council or an equivalent program accepted by the State Contractors’ Board; or

(2) Holds a journeyman’s card in a building or construction trade issued by a labor organization.

(b) “Qualified design professional” means a person who holds:

(1) A professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS that is appropriate for the work to be performed; or

(2) A license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed.

(c) “Qualified tradeperson” means:

(1) A journeyman in the relevant field of work;

(2) A person who holds a certificate issued by the International Code Council as an inspector in the relevant field of work and who has at least 2 years of work experience in that field;

(3) A person who holds a license issued pursuant to chapter 624 of NRS in a classification or subclassification that is appropriate for the work to be performed; or

(4) An employee of the State or an agency thereof acting within the scope of his or her employment.”

(5) To section 105.3, add:

“(8) The permit application must be accompanied by a nonrefundable deposit of 1% of the total project valuation, including materials, labor and equipment.”

(6) In section 202, replace the phrase “more than 75 feet” with “more than 55 feet”;

(7) To section 403.4.4, add: “Loudspeakers or horns for a fire alarm must achieve at least 80 decibels of sound in all areas within the protected property”;

(8) To section 403.4.6, add the following provisions:

“(1) All fire equipment and equipment for the safety of life, including, without limitation, a fire alarm system, smoke management system, status indicator and controls for an air-handling system and an indicator of the status of an emergency generator, contained within the fire command center must be tested as frequently as required by the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281, but in any case, not less than annually. The test must be performed by a person who holds a license or certification recognized by the authority having jurisdiction as appropriate for

the performance of the test. Systems and equipment within the fire command center must be tested in accordance with the procedures set forth in the codes and standards adopted by the State Fire Marshal pursuant to NAC 477.281 and any special procedures prescribed by the designer or manufacturer of the system or equipment. All fire equipment and equipment for the safety of life, after having been tested, must be restored to service and tagged by the person who performed the test. The tag must conform to requirements for recording the maintenance of a fire alarm system set forth in NAC 477.370. If the person performing the test is unable to restore the equipment to service or determines that the equipment is disabled or in an impaired condition, he or she shall promptly notify the appropriate local fire department and the State Fire Marshal. A log of the tests required by this section must be maintained on the premises and available for inspection by the appropriate local fire department.

(2) The fire command center must be housed in a room separated from the building in which it is located by noncombustible construction rated at a minimum of 2 hours. The room used for that command center must be provided an exterior door.”;

(9) To section 403.5.3, at the end of the last sentence, add “or the activation of any fire alarm system or a power failure”;

(10) Section 907.5.2.3 is revised by adding the following exceptions:

“(4) Electrical rooms and mechanical rooms that are not normally occupied and are less than 400 square feet.

(5) Janitor closets.

(6) Storage rooms that are less than 400 square feet.

(7) Individual work areas or offices and private toilets serving individual work areas or offices.

(8)”; and

(11) In section ~~1008.1.9.11,~~ **1010.1.9.12**, exception 3 is revised to read as follows: “In stairways serving buildings other than high-rise buildings, doors are permitted to be locked on the side opposite the egress side, provided that the doors can be opened from the egress side. Except for exit discharge doors, the doors must be automatically unlocked upon the activation of a fire alarm system or fire sprinkler alarm and for a power failure.”

↪ This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~\$91.50~~ **\$107** for members and ~~\$122.00~~ **\$143** for nonmembers.

(b) The ~~2012~~ **2018** *International Existing Building Code* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.

↪ This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$49.50]~~ \$58 for members and ~~[\$66.00]~~ \$77.25 for nonmembers.

(c) The ~~{2012}~~ 2018 *International Residential Code for One- and Two-Family Dwellings* published by the International Code Council with the following exceptions:

(1) References to the *International Plumbing Code* are replaced with references to the *Uniform Plumbing Code*;

(2) References to the *International Electrical Code* are replaced with references to the *National Electrical Code*; and

(3) References to the *International Mechanical Code* are replaced with references to the *Uniform Mechanical Code*.

↪ This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~[\$79.50]~~ \$105 for members and ~~[\$106.00]~~ \$140 for nonmembers.

(d) The ~~{2011}~~ 2017 *National Electrical Code* published by the National Fire Protection Association. This code may be obtained from the National Fire Protection Association, 11 Tracy Drive, Avon, Massachusetts 02322, or at the Internet address <http://www.nfpa.org/>, at a price of ~~[\$80.55]~~ \$91.80 for members and ~~[\$89.50]~~ \$102 for nonmembers.

(e) The ~~{2012}~~ 2018 *Uniform Plumbing Code* published by the International Association of Plumbing and Mechanical Officials, except, in section 412.0, “Table 4-1, Minimum Plumbing Facilities,” specifying a minimum number of required fixtures, is replaced by “Table 2902.1, Minimum Number of Required Plumbing Fixtures” of the ~~{2012}~~ 2018 *International Building*

Code. The ~~2012~~ 2018 *Uniform Plumbing Code* may be obtained from the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of ~~84~~ 100 for members and ~~105~~ 125 for nonmembers.

(f) The ~~2012~~ 2018 *Uniform Mechanical Code* published by the International Association of Plumbing and Mechanical Officials. This code may be obtained from the International Association of Plumbing and Mechanical Officials, ~~5001~~ 4755 East Philadelphia Street, Ontario, California 91761-2816, or at the Internet address <http://www.iapmo.org/>, at a price of ~~84~~ 100 for members and ~~105~~ 125 for nonmembers.

(g) The *Americans with Disabilities Act* published by the United States Department of Justice. This publication may be obtained from the Disability Rights Section, United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530, or at the Internet address <http://www.ada.gov>, free of charge.

(h) The ~~2012~~ 2018 *International Energy Conservation Code* published by the International Code Council. This code may be obtained from the International Code Council, 25442 Network Place, Chicago, Illinois 60673-1254, or at the Internet address <http://www.iccsafe.org/>, at a price of ~~30~~ 36.50 for members and ~~40~~ 48.75 for nonmembers.

(i) The “Guidelines for Evaluating Potential Surface Fault Rupture/Land Subsidence Hazards in Nevada” and the “Guidelines for Evaluating Liquefaction Hazards in Nevada” published by the Nevada Earthquake Safety Council. These guidelines may be obtained from the Nevada Earthquake Safety Council, c/o Nevada Bureau of Mines and Geology, University of Nevada,

Reno, Mail Stop 178, Reno, Nevada 89557-0178, or at the Internet address

<http://www.nbmг.unr.edu/nesc/>, free of charge.

(j) ANSI/ASHRAE Standard ~~90.1-2010,~~ **90.1-2016**, *Energy Standard for Buildings Except Low-Rise Residential Buildings*, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. This standard may be obtained from the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329, or at the Internet address <http://www.ashrae.org/>, at a price of \$119 *for members and \$140* for nonmembers.

2. In addition to the standards contained in the ~~2012~~ **2018** *International Building Code* adopted pursuant to subsection 1, all buildings and structures of the State and any parts thereof must be designed using the structural standards for seismic zones, basic wind speed, wind exposure, frost line and the live loads and snow loads for roofs adopted by the political subdivision in which the building or structure is being constructed ~~H~~, *unless those structural standards are less stringent than the standards adopted by reference pursuant to subsection 1.*

In the absence of such structural standards adopted by the political subdivision, the Deputy Administrator for *the Public Works*-Compliance and Code Enforcement *Section* may use structural standards that the Deputy Administrator for *the Public Works*-Compliance and Code Enforcement *Section* determines are appropriate for the geographic location at which the building or structure is being constructed.

Sec. 2. NAC 341.077 is hereby amended to read as follows:

341.077 1. All bids in excess of \$100,000 must be accompanied by a bond securing the bid and a certified check or cash in an amount which is at least 5 percent of the total of the base bid and all alternative bids. The bond must be in a form approved by the Attorney General.

2. A bidder must guarantee that the bid submitted will remain open for 35 calendar days after the date of the opening of the bids unless otherwise provided in the contract documents or this period is extended by written agreement between the Administrator and the contractor.

3. A general contractor must list on the form for proposing bids the subcontractors whom he or she intends to engage for the project for those areas of work identified on the form used to list subcontractors. Subcontractors may not be subsequently substituted by the contractor without the approval of the Administrator.

4. The Division ~~will~~ **shall** not consider a bid unless it meets all the following conditions:

(a) The bid is less than the appropriation made by the Legislature for the building project and does not exceed the relevant budget item for that building project as established by the Division by more than 10 percent.

(b) The bid must be in the best interests of the State of Nevada.

(c) The bid must be submitted by a person who is ~~licensed~~ :

(1) Licensed as a contractor in Nevada ~~+~~ ; **and**

(2) Qualified as a bidder as required pursuant to NRS 338.1379.

Sec. 3. NAC 341.171 is hereby amended to read as follows:

341.171 1. Except as otherwise provided in subsection 3, any plans and specifications for a project that is not part of the approved program for capital improvement which are submitted to the Division for review and approval must be accompanied by the following permit fees:

(a) A basic fee for inspection services based on the proposed total valuation of the project, including materials, labor and equipment, in accordance with the following schedule:

Total Valuation	Fee
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$391.25 for the first \$50,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each \$1,000 or fraction thereof, to and including \$1,000,000.

\$1,000,001 and up.....\$5,608.75 for the first \$1,000,000 plus \$3.15 for each \$1,000 or fraction thereof.

(b) Except as otherwise provided in this paragraph, an additional fee for inspection services for each mechanical, electrical and plumbing system of the project in an amount equal to 15 percent of the basic fee for inspection services for each such system. If an application involves only one such system, no additional fee for inspection services is due pursuant to this paragraph.

(c) A fee for the review of the plans and specifications for the project in an amount equal to 70 percent of the total amount of the basic fee for inspection services calculated pursuant to paragraph (a) and any additional fees for inspection services calculated pursuant to paragraph (b).

2. In addition to the fees calculated for a project pursuant to subsection 1, the Division may charge a fee for the following services on an hourly basis at a rate equal to the hourly cost of the Division for:

- (a) Inspections outside of normal business hours.
- (b) Reinspections.
- (c) Inspections for which no fee is specifically indicated.
- (d) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.
- (e) Reviews of requests to use alternate materials, designs, methods of construction or equipment.
- (f) Investigations of work performed without benefit of or before obtaining a permit.

↪ The Division ~~{will}~~ **shall** calculate its hourly costs based on the average amount the Division pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors, project managers and plan checkers. The **Division shall maintain the** hourly costs ~~{of the Division will be maintained}~~ on file at the Division's offices in Carson City and Las Vegas and ~~{will be posted}~~ **shall post them** on the Division's **Internet** website at ~~{http://www.spwb.state.nv.us/}~~ <http://www.publicworks.nv.gov>.

3. The Deputy Administrator ~~{for}~~ **of the Public Works-Compliance and Code Enforcement Section** shall determine, based on the actual costs to the Division, the amount of the fee that must accompany:

(a) The plans and specifications for a project which will be ~~{completed}~~ :

(1) Completed in phases or on an expedited schedule or which has unique or unusual requirements ~~{+}~~ ; **or**

(2) Checked by a third-party contractor.

(b) An application for an annual permit pursuant to section 105.1.1 of the ~~{2012}~~ **2018 International Building Code**, as adopted by reference in NAC 341.045.

Sec. 4. NAC 341.346 is hereby amended to read as follows:

341.346 1. The Administrator shall review the preliminary plans, designs and detailed plans and specifications of a project to ensure that the project will achieve:

(a) Efficiency in the use of energy that meets or exceeds the standards for the efficient use of energy established by:

(1) ANSI/ASHRAE Standard ~~{90.1-2010}~~ **90.1-2016, Energy Standard for Buildings Except Low-Rise Residential Buildings**, as adopted by reference pursuant to NAC 341.045; and

(2) The United States Environmental Protection Agency pursuant to the Energy Star Program; and

(b) Efficiency in the use of water for plumbing fixtures and landscape irrigation that is at least 10 percent more efficient than the standards for the efficient use of water established by the United States Environmental Protection Agency pursuant to the Energy Policy Act of 1992, Public Law 102-486.

2. If the project is the remodeling of a building, the requirements of subsection 1 apply only to the use of energy or water in the remodeled portion of the building.