

**In The Matter Of:**  
*State of Nevada*  
*Public Works Division Video Conference Board Meeting*

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*January 27, 2017*

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*Capitol Reporters*  
*208 N. Curry Street*

*Carson City, Nevada 89703*

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2 STATE OF NEVADA  
3 PUBLIC WORKS DIVISION VIDEO CONFERENCE BOARD MEETING  
4  
5 FRIDAY, JANUARY 27, 2017  
6  
7 2:00 P.M.  
8  
9 CARSON CITY, NEVADA  
10  
11 THE BOARD: BRYCE CLUTTS, Chair  
12 SEAN STEWART, Vice-Chair  
13 GUS NUNEZ, Administrator  
14 CHRIS CHIMITS,  
15 Deputy Administrator  
16 PATRICK CATES, Member, Director  
17 ADAM HAND, Member  
18 CLINT BENTLEY, Member  
19  
20 FOR THE BOARD: SUSAN STEWART,  
21 Construction Law Counsel  
22  
23 JEFF MENICUCCI,  
24 Deputy Attorney General  
25  
26 KATHI PASCIAK,  
27 Program Officer I  
28  
29 LAURA ADAIR,  
30 Clerical Assistant  
31  
32 REPORTED BY: CAPITOL REPORTERS  
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36 Carson City, Nevada 89706

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1 CARSON CITY, NEVADA; FRIDAY, JANUARY 27, 2017; 2:00 P.M.  
2 -o0o-  
3  
4 CHAIR CLUTTS: This is the time and place for  
5 the State Public Works Board meeting for Friday, January  
6 27th, 2017, at 2:00 p.m. First item of business, roll  
7 call.  
8 ADMINISTRATOR NUNEZ: Chairman Bryce Clutts?  
9 CHAIR CLUTTS: Present.  
10 ADMINISTRATOR NUNEZ: Vice-Chair Sean  
11 Stewart? Member Clint Bentley?  
12 MEMBER BENTLEY: Present.  
13 ADMINISTRATOR NUNEZ: Member Tito Tiberti?  
14 Member Adam Hand?  
15 MEMBER HAND: Present.  
16 ADMINISTRATOR NUNEZ: Member Patrick Cates?  
17 MEMBER CATES: Present.  
18 ADMINISTRATOR NUNEZ: Mr. Chairman, you have  
19 a quorum. You've got four.  
20 CHAIR CLUTTS: Thank you very much.  
21 ADMINISTRATOR NUNEZ: If anybody comes in  
22 late, Sean and Tito may be coming, so I'll mark them in  
23 here if they come in.  
24 CHAIR CLUTTS: Thank you. The second item of  
25 business, Agenda Item No. 2, public comment. Is there

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1 any public comment down south?  
2 MEMBER BENTLEY: No. None.  
3 CHAIR CLUTTS: Thank you. I don't see any  
4 here up north. No public comment. Moving on to Agenda  
5 Item No. 3 for possible action: Acceptance and approval  
6 of Public Works Board meeting minutes for the following  
7 meeting dates: October 10th, 2016, and November 1st,  
8 2016.  
9 MEMBER CATES: I have some comments. For the  
10 record, Member Cates. Just a couple of spots here. I'm  
11 on page 27. I'm sorry, page 28, little block of 28  
12 there. About mid page, it has the term, "In the next  
13 biennial budget." Biennium with an "E" rather than an  
14 "A." With an "E," it means every two years, and with an  
15 "A," it means twice a year. And on page 45, this is line  
16 5 on page 45, "I think that it would be helpful to  
17 include in the letter, and I think that it's very  
18 inconsistent with the motion." I think, I hope I said,  
19 "Consistent." And that's all I have.  
20 CHAIR CLUTTS: Thank you, Member Cates. Is  
21 there any other comments? Any other comments? Hearing  
22 none, I'll entertain a motion for approval.  
23 MEMBER HAND: So moved.  
24 CHAIR CLUTTS: Second?  
25 MEMBER CATES: Second.

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1 CHAIR CLUTTS: All of those in favor?  
2 THE BOARD: Aye.  
3 CHAIR CLUTTS: Any opposed? Thank you.  
4 Agenda Item No. 4 for possible action: Overview of State  
5 Public Works Division Contractor Qualifications Governing  
6 Statutes and Regulations, State Public Works Department  
7 Application and Scoring. Mr. Nunez?  
8 ADMINISTRATOR NUNEZ: Thank you,  
9 Mr. Chairman. I'll be going over the actual  
10 qualification forms and the scoring procedure, but before  
11 that, I'm going to have Susan Stewart go over the current  
12 law and regulations with you first.  
13 CHAIR CLUTTS: Thank you. Ms. Stewart?  
14 COUNSEL STEWART: Thank you. For the record,  
15 Susan Stewart. Thank you, Mr. Chairman. This will be a  
16 10,000-foot view of the statutes and the regs, and I  
17 welcome any questions at any time you want to drill down  
18 further. This is just to kind of give you a general  
19 framework of what we do, and then we can go from there.  
20 CHAIR CLUTTS: Okay.  
21 COUNSEL STEWART: First, you'll see what I've  
22 been -- there's a list under the "discussion," and the  
23 first set of documents you have is just a brief summary  
24 of the statutes and regulations. 338.1375, that is the  
25 statute that tells us what exactly we are able to take

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1 into consideration when we are evaluating a contractor's  
2 qualifications to bid public works.  
3 You'll see there that there's a fairly  
4 straightforward list of what we're able to take into  
5 consideration, and then also, that statute requires the  
6 Board, this Board, to adopt regulations that implement  
7 that criteria, and then the other thing that that statute  
8 specifically sets forth is that no one person may have  
9 discretion to make the decision whether someone is  
10 qualified or not. And you'll see as we get further into  
11 the process that Public Works has several steps to make  
12 sure that that is in fact followed.  
13 The next statute, 338.1375, it just tells us  
14 the process that the contractor and the Public Works  
15 Board needs to follow. Essentially, the contractor  
16 submits the application that's approved by this Board.  
17 The staff are required to investigate the application,  
18 make a determination within 45 days, and then we notify  
19 the applicant in writing within the time frame if they  
20 have been approved. And if not, we include in there very  
21 clearly their appeal rights and the time frames that will  
22 apply to those appeal rights. We actually cut and paste  
23 the statute right into the letter.  
24 Then in 338.1381, that is the appeal  
25 procedure, and I think everyone on the Board has

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1 participated in one of those appeals. It's very  
2 straightforward. We have a time frame within which we  
3 must respond. We have a time frame within which we have  
4 to set the hearing and give them notice. The applicant  
5 has the burden of proof in the hearing, and of course the  
6 statute sets forth how this Board can handle evidentiary  
7 matters that are presented, and then the statute  
8 specifically requires the Board to make a decision at the  
9 hearing. So those are your statutes. Those are your  
10 governing statutes.  
11 And then this Board has adopted regulations  
12 implementing those statutes, and if you look on the next  
13 page in your packet, you'll see relevant regulations, and  
14 copies of the statutes are also attached here for you.  
15 And this is, very broadly, NAC 338.150, through 338.290,  
16 and what this does is it puts some, if you will, meat on  
17 the bones of what those statutes say. So it defines  
18 bidder, principal, personnel. It establishes cost  
19 categories.  
20 Several sessions ago, the State Public Works  
21 Division statute was implemented where contractors under  
22 a hundred thousand dollars seeking qualification had a  
23 very streamlined qualification process to encourage them  
24 to get experience doing Public Works, so that process is  
25 very streamlined compared to the over a hundred thousand

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1 dollar application. So those cost categories are set  
2 forth in the regs. The process for submitting the  
3 application is set forth, and then the criteria.  
4 And if you look, it drills down as far as  
5 what the -- you know, we require a certified statement  
6 from the surety of their bonding capacity, we require the  
7 past performance history, breach of contract, so it goes  
8 through that in a lot of detail what exactly they're  
9 required to provide for us. The appeal process is also  
10 spelled out in greater detail and then also, the  
11 consideration of the contractor evaluations.  
12 One thing I did want to point out is we have  
13 a regulation that this Board has approved and the  
14 legislature still needs to approve where you'll recall  
15 one of the things we expanded in the past performance is  
16 we decided that the Board wanted to take into  
17 consideration if a contractor was, in essence, litigious.  
18 And so we wanted to capture not just was there a breach  
19 of contract, but had that contractor initiated  
20 litigation? Had that contractor been the subject of an  
21 arbitration hearing? And so we have a reg pending that  
22 expands 338.240. And so going forward, that's something,  
23 once that gets approved by the legislature, we'll need to  
24 amend the qualification application and the scoring to  
25 follow up on that process.

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1 I think, unless there's any questions at that  
2 point, once we kind of walk through how it is actually  
3 applied, it might be helpful to go back if there's any  
4 questions on the statute. But that's all I had, unless  
5 there were any questions.  
6 CHAIR CLUTTS: Thank you, Miss Stewart. Any  
7 questions before we move on? And we can come back.  
8 Mr. Nunez?  
9 ADMINISTRATOR NUNEZ: Thank you. Gus Nunez,  
10 for the record. What I'd like to do is if you go past  
11 all of the pages here under the statutes and the NAC and  
12 get over to the page that begins with the application for  
13 qualifications on general projects for a period of two  
14 years, and what I'd like to do, probably be best as we're  
15 going through that, if you don't mind breaking the  
16 package a bit, and on this particular tab, taking the  
17 last five pages on this tab which is the scoring system,  
18 and it says, "Qualifications committee evaluation of  
19 application for a two-year period" and have it basically  
20 sitting side by side with the actual application. So as  
21 we go through, it would probably help a lot just to do it  
22 together at the same time. Here is the information, here  
23 is how we score it as we go on down. It will probably be  
24 better and we'll probably understand it better, get the  
25 gist of what each one of the parts mean on all of these

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1 sections.  
2 So if everybody is ready, basically, on the  
3 first page of the application, you need to provide your  
4 contact information in here. And in addition to that,  
5 you need to tell us whether you're applying for the  
6 different categories, which is \$100,000 to \$1,000,000,  
7 \$1,000,000 to \$5,000,000, or more than \$5,000,000. You  
8 also need to indicate whether you want to be considered  
9 between \$25- and \$100,000 for contracts on this  
10 particular one here. And that has to -- part of this has  
11 to do with some of the manner in which you're scored  
12 later on, so keep in mind the categories, especially the  
13 ones between \$100,000 and \$1,000,000, \$1,000,000 to  
14 \$5,000,000, and then over \$5,000,000.  
15 If we move on to the next page, we get into  
16 financial ability. And originally when we looked at this  
17 thing, we saw that there's some agencies like DOT where  
18 they actually ask for financial statements. We here at  
19 Public Works didn't have the staffing or capabilities of  
20 really properly reviewing a financial statement, and so  
21 what we chose to do was to ask for other information to  
22 let us know about where the contractor should be at with  
23 respect to what we would allow them to bid on Public  
24 Works projects. To that end --  
25 (Sean Stewart in Las Vegas arrived to the meeting.)

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1 ADMINISTRATOR NUNEZ: -- we asked for a  
2 certified statement from their bonding company. And  
3 basically, what we asked them to do is to indicate in  
4 that letter their single limit and their aggregate limit.  
5 And so, in fact, we're using the surety company and the  
6 review of the financial information by a surety company,  
7 have them do that for us instead of us doing it, and  
8 therefore, that establishes for us the maximum amount  
9 that we would consider a bid from a prime.  
10 Obviously, we'd ask them for -- and as you  
11 can see here, as you go over here on part one, financial  
12 ability, under the scoring system, the valuation, the  
13 bonding is a pass/fail in this category. If you cannot  
14 bond a project, obviously, you can't bid. So bonding is  
15 a pass/fail.  
16 The next one is to provide evidence of a  
17 current State of Nevada contractor's license pursuant to  
18 Chapter 625. Again, you can see here, part 1B,  
19 licensure. And again, that's a pass/fail. I don't think  
20 I need to go any further on that. And then the last one  
21 here: Has applicant ever filed as a debtor under the  
22 United States Bankruptcy Code during the last 5 years  
23 immediately preceding the date of application? If yes,  
24 please attach a copy of the bankruptcy petition.  
25 And what we do here, we got two C and D

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1 addresses that we have. If it's a Chapter 7 in the last  
2 five years, that's a pass/fail. If it was a Chapter 11  
3 or 13 bankruptcy filing in the last 5 years, we deduct 10  
4 points.  
5 Then I'll move on to Part II under Principal  
6 Personnel. It says here, "The applicant shall include in  
7 the application submitted a description of the  
8 professional qualifications and relevant experiences of  
9 the principal personnel employed by applicant." And it  
10 says, "NAC 338.220 defines 'Principal Personnel' as the  
11 owner of any corporate officer or qualified employee  
12 listed in the contractor's license of the applicant."  
13 And then, "Lists 10 projects successfully  
14 completed under the direction of the principal personnel  
15 within the cost category or higher for which applicant is  
16 seeking to qualify."  
17 And then for each principal personnel, then  
18 we ask them to list the projects here. So you can see  
19 the name of the qualified employee, the title upon which  
20 he had in doing that particular project, years relevant  
21 work experience, years employed by the company and  
22 licenses. And then the projects after that, the project  
23 name, project scope, dollar amount and year of  
24 completion. Again, we're looking for projects within the  
25 last five years.

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1 CHAIR CLUTTS: If I can interrupt you for a  
2 second.  
3 ADMINISTRATOR NUNEZ: You bet.  
4 CHAIR CLUTTS: I was waiting to see if you  
5 mentioned that. So you said you're looking for projects  
6 in the last five years. In this particular category, I  
7 was trying to find where it's calling for that.  
8 ADMINISTRATOR NUNEZ: And I may have been off  
9 base on that. Typically, we're only looking at the last  
10 five years, but in this particular category, you're  
11 correct. It doesn't say that.  
12 CHAIR CLUTTS: So this particular Tab II is  
13 not applicable to the last five years?  
14 ADMINISTRATOR NUNEZ: Correct. Yes.  
15 CHAIR CLUTTS: It's any projects at any time  
16 during the company, that principal personnel's  
17 experience.  
18 COUNSEL STEWART: Well --  
19 ADMINISTRATOR NUNEZ: And you can see the  
20 successful projects are within the last five years, but I  
21 can see that it doesn't say that here, so maybe I missed  
22 one. Did you want to say something?  
23 COUNSEL STEWART: For the record, Susan  
24 Stewart. Just let me double-check and see what the reg  
25 said because what the reg said would govern, and it may

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1 not be accurately or clearly reflected in here.  
2 CHAIR CLUTTS: And that was one of my  
3 questions is I didn't go back and look at 338.220 in  
4 terms of principal personnel, but I was wondering if this  
5 particular part was different than subsequent parts, and  
6 so I just want to make sure there wasn't any confusion  
7 there. It was confusing to me.  
8 ADMINISTRATOR NUNEZ: Okay. Susan will check  
9 on that. And in the meantime, what we'll do is we'll go  
10 through how we score this, and then Susan can be looking  
11 at that. So in -- I ask you to pull out the last five  
12 pages, which includes the evaluation. If you go to the  
13 last page of the evaluation, you're going to see  
14 something that kind of looks like a spreadsheet, and in  
15 here, what we do is -- so you can see it's got personnel  
16 and successful.  
17 What this is for is that we'll take the  
18 principal personnel projects that are listed on their  
19 Part II, and that will go under personnel here. And what  
20 we'll do is we'll include the dollar amount of that  
21 project. So let's say that someone is applying between  
22 the \$1,000,000 and \$5,000,000 category, but their bonding  
23 is only for \$3,000,000. So what we would do is now we're  
24 only going to -- so at that point, even though they're  
25 applying in that category, we're only going to consider

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1 him up to \$3,000,000.  
2 So now what we want in this scoring here, the  
3 way the scoring is performed, is that we look at the  
4 projects that are listed and the total amount of the  
5 contract. If it's between -- if it's below \$1,000,000,  
6 then he would get a 1 point deduct. If it's between  
7 \$1,000,000 and \$3,000,000, which would be his limit, his  
8 single bonding limit capacity, then it's prorated between  
9 \$1,000,000 and \$3,000,000 as to how much you deduct out  
10 of that point. If it's \$3,000,000 or more, he gets no  
11 deduction. So again, the main thing is that we don't go  
12 all the way to 5. One to five is the category, but if a  
13 contractor's limit is less than that because his license  
14 may be whatever, but if he's only qualified up to \$3  
15 because of his bonding capacity, that's what we're going  
16 to do. We just go by that.  
17 We typically use the smaller of either the  
18 license or the bonding capacity. We've had -- very  
19 seldom do we get someone here that says, well, the  
20 bonding is \$10,000,000, but their license is \$5,000,000,  
21 but we've had that issue before, so that's what I'm  
22 saying is the least of the two. And so again, that's --  
23 if there's no questions on that, we would prorate that  
24 and then -- so we just list all of the projects.  
25 Now, if he doesn't list ten project, let's

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1 say he only lists five, the other five will be full  
2 1-point deductions because we're asking for 10. So if he  
3 -- whatever he misses here, for instance, he'll list nine  
4 projects. Well, he's going to at least get a 1-point  
5 deduction because he didn't list it. That's how we're  
6 currently scoring this.  
7 CHAIR CLUTTS: Can I ask a question again?  
8 ADMINISTRATOR NUNEZ: Sure.  
9 CHAIR CLUTTS: Bryce Clutts, for the record.  
10 So what happens if a contractor has a \$10,000,000 single  
11 aggregate bonding capacity in whatever aggregate and  
12 doesn't have, say, let's just assume for the moment that  
13 one or all of them are below the \$10,000,000 market that  
14 they're asking for. Will they still be considered for a  
15 \$10,000,000 qualification but still have 10 deductions on  
16 this form? Do you follow me?  
17 ADMINISTRATOR NUNEZ: Yeah. Let's say okay,  
18 on a \$10,000,000, now you're in the 5 and above category.  
19 And you're at \$10,000,000. So what we would do is if  
20 your project that you're listing is below \$5,000,000,  
21 that's a full point deduction. If it's \$10,000,000 or  
22 more, that's zero deductions. And anything between five  
23 and ten, then we prorate.  
24 CHAIR CLUTTS: Okay. So you could have a  
25 \$10,000,000 bonding capacity and have deductions but

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1 still be considered for the above \$5,000,000 because your  
2 bonding capacity is such as long as --  
3 ADMINISTRATOR NUNEZ: If that's what you're  
4 asking for.  
5 CHAIR CLUTTS: As long as your deductions are  
6 not -- don't add up below the 120.  
7 ADMINISTRATOR NUNEZ: Correct.  
8 CHAIR CLUTTS: Okay.  
9 ADMINISTRATOR NUNEZ: Yes. So actually, you  
10 technically -- your principal personnel could have no  
11 experience in the 5 to 10 and no successful projects in  
12 the five to ten, so that's a full 10 plus a full 20, so  
13 that's 30 points. So if you have no other blemishes or  
14 point deductions in this criteria, you would still pass.  
15 You would pass right at 120 points because you start with  
16 150 points, and then we deduct from that. 120 or more is  
17 where -- is a passing grade or score is 120 points.  
18 CHAIR CLUTTS: Okay. Thank you.  
19 MEMBER BENTLEY: I have a question. Member  
20 Bentley. What criteria do you use to establish the  
21 ranges for upper range, middle range and lower range?  
22 ADMINISTRATOR NUNEZ: In the \$5,000,000 or  
23 more category, what we do is -- and we're going to score  
24 either principal personnel -- actually, you do the same  
25 thing for successful projects -- but let's say you have a

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1 limited license, and your single bonding that you have  
2 from your bonding company is \$80,000,000, your single  
3 limit.  
4 And so at that point, what we would do is  
5 evaluate all of your projects between -- we stop at  
6 \$30,000,000, between 5 and 30. So anything below 5, you  
7 get a full deduction. Anything between \$5 and \$30  
8 million, you would be prorated, and anything above \$30  
9 million, even though your license is unlimited and your  
10 bonding capacity may be \$80, anything above \$30 million,  
11 we give you no deduction. Does that --  
12 MEMBER BENTLEY: Well, is there anywhere  
13 where this criteria is in writing so the person knows  
14 what the criteria is?  
15 ADMINISTRATOR NUNEZ: No. The application is  
16 what the applicant or the contractor would look at and  
17 submit. The scoring criteria is a public document  
18 because they've both been approved by the Board. All of  
19 this, both the application form and the scoring system  
20 has been brought to prior boards and have been approved  
21 in public, so they're public documents, but I suppose  
22 unless they actually requested it, we don't make it  
23 available. We just say fill out the application, and  
24 then we score it in accordance with what the Board has  
25 approved.

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1 MEMBER BENTLEY: Okay. I understand that.  
2 But it sounds to me as though even though this has been  
3 approved prior to this, that it's just arbitrarily up to  
4 the scoring committee where they decide where the upper,  
5 the middle and the lower ranges are.  
6 ADMINISTRATOR NUNEZ: Well, you said  
7 arbitrarily. Actually, the Board has made a judgment  
8 call on all of these, and this is the direction that  
9 we've gone from the Public Works Board. And these are  
10 the limits that they have established for us to work  
11 with. We score it based on what is submitted.  
12 We will assist -- let's say if someone for  
13 some reason submitted an application and it just happens  
14 that instead of submitting ten projects on one of these  
15 categories, they only submitted five, and that caused  
16 them to fail. We'll call them up and say, "Here's the  
17 current situation right now. Here's where you're at.  
18 You're getting a certain number of deductions because you  
19 didn't submit enough projects. Do you have other  
20 projects that you could submit ?"  
21 We go over all of this with them before we  
22 make a final determination and kind of help them out in  
23 getting there, so there is some communication and back  
24 and forth before we just fail them and say, "Okay. You  
25 don't qualify." That's about the extent that we do, but

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1 do we automatically give them, "Here's the scoring system  
2 and here's how we calculate this thing?" No, we don't.  
3 MEMBER BENTLEY: So it is arbitrary?  
4 ADMINISTRATOR NUNEZ: Well, it's not  
5 arbitrary. I mean, this is what was approved by the  
6 Board, and this is what we use as a staff, as your staff.  
7 This is what we use. It's been determined that that is  
8 the appropriate scoring system, including the top of the  
9 range and everything else.  
10 MEMBER BENTLEY: Okay.  
11 ADMINISTRATOR NUNEZ: I don't quite -- maybe  
12 I don't understand your question.  
13 MEMBER BENTLEY: You're just going around in  
14 a circle because to me, there should be some kind of a  
15 percentage or something listed there that states and  
16 differentiates between upper, middle, and lower range.  
17 Otherwise, it's just up the scoring committee to, "Oh, I  
18 like this for upper range or I like this for middle  
19 range. I like this for lower range."  
20 ADMINISTRATOR NUNEZ: No, we don't do that.  
21 It said the -- in-between \$100,000 and \$1,000,000 is  
22 either the upper range would be a million dollars or your  
23 license or your bonding capacity, whichever is less.  
24 That's set. Between \$1 and \$5 million, is we score it  
25 depending as to -- not between \$1 and \$5. We score it

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1 based on the range that we use to see your license or  
2 your bonding limit, whichever is less.  
3 MEMBER BENTLEY: I understand.  
4 ADMINISTRATOR NUNEZ: And the same thing with  
5 five and above, and then we just basically go through the  
6 math at that point. So we don't arbitrarily pick the  
7 limits. The limits are usually, as indicated on the very  
8 first page, the contractor picks which category he wants  
9 to be in. He'll pick between \$100,000 to -- and it's got  
10 three categories here: A hundred to a million, a million  
11 to five, and then five million. The contractor picks the  
12 category he wants to be evaluated in, and then what we  
13 use after that is his license or bonding limits to score  
14 it. Not whatever we pick. There's parameters for  
15 deciding --  
16 MEMBER BENTLEY: I totally understand that,  
17 Gus, but my question is that within each one of those  
18 parameters, how do you determine what is upper, what is  
19 medium, and what is lower? It's not a set for the whole  
20 thing. It has to be within each guideline. So what are  
21 you using to decide that?  
22 CHAIR CLUTTS: Can I jump in and take a stab  
23 at this? I'm following you, Clint, all the way there,  
24 and I think that I understand. So I want to just see  
25 because I didn't understand up until just a few minutes

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1 ago. So, Gus, if I could, if you circle \$5 million, you  
2 want a limit -- you want to be qualified for more than \$5  
3 million, and your bonding capacity, single project  
4 capacity is \$20 million, is it correct to say that the  
5 lower limit is \$5 million and the upper limit is \$20  
6 million?  
7 ADMINISTRATOR NUNEZ: That's correct.  
8 THE COURT: Okay. If your bonding capacity  
9 is \$30 million, the lower limit is \$5 million, the upper  
10 limit is \$30 million?  
11 ADMINISTRATOR NUNEZ: Correct.  
12 CHAIR CLUTTS: Okay. So help me understand.  
13 What is the middle and why is that even relevant, the  
14 middle range? Is there just a lower and an upper period?  
15 ADMINISTRATOR NUNEZ: Yeah, a lower and an  
16 upper.  
17 CHAIR CLUTTS: Okay. There is no middle.  
18 ADMINISTRATOR NUNEZ: There is no middle, no.  
19 The only thing that we would do -- let's say you're  
20 applying for \$5 or more, and your single bonding limit is  
21 \$30 million. The projects that you put in here, if  
22 they're between \$5 and \$30 million, then we just prorate  
23 it in-between there for the deduct. If it's \$30 or more,  
24 then you get no deduct.  
25 CHAIR CLUTTS: Okay. So why -- Bryce Clutts

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1 again, for the record. Explain to me why you prorate it.  
2 If I've got a \$30 million single project bonding capacity  
3 and I've said I want to qualify for more than \$5 million,  
4 why am I being deducted at all and not -- and potentially  
5 not able to bid on projects between \$5 and \$30? That, I  
6 think, is the discretion, at least it concerns me, is why  
7 are we prorating any deduction at all?  
8 If a bonding company says that the contractor  
9 is qualified to do those projects, that is the part that  
10 I'm concerned potentially is arbitrary, is the prorating  
11 part where that's not described anywhere. That's  
12 something that has just been done.  
13 ADMINISTRATOR NUNEZ: And like I said, keep  
14 in mind again that you can have the full 10 points  
15 deducted under this category and then the full 20  
16 deduction under the successful projects because you have  
17 -- you could have no projects in between the \$5 and the  
18 \$30 in here in your application and still pass. That was  
19 something that the Board, when they approved this, wanted  
20 to make sure that that was available, but at the same  
21 time, they also approved that if you're applying in a  
22 certain category and your project was below the bottom  
23 limit that you would get a full deduction, that if you  
24 were at or above the limit, that you get no deduction,  
25 and then everything in-between gets prorated. That was

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1 what was agreed to.  
2 And of course, if you have -- they also  
3 wanted to make sure that if you had no projects in that  
4 category but you had the bonding and the license, that  
5 you could still be qualified to do that as long as you  
6 didn't have other prevailing wage violations or any other  
7 things in your record. That was the discussion during  
8 the adoption of this here and how it was approved.  
9 Now, if you wanted to say as a policy of the  
10 Board in the future that says well, any projects in that  
11 category within the range, you get no deduction, that's  
12 up to the Board. Keep in mind that the Board also has  
13 full discretion. We score it as we see it. You have  
14 full discretion as to the outcome if it does get appealed  
15 to you.  
16 CHAIR CLUTTS: Thank you. Ms. Stewart?  
17 COUNSEL STEWART: I just wanted to clarify.  
18 For the record, Stan Stewart. The reg does -- first of  
19 all, it says to list 10 projects, and this is for  
20 principal personnel of the prime. There's no limitation  
21 on time frame for this particular part of the  
22 qualification.  
23 And what we are asking for -- and this is  
24 from the regulation, is -- and I'm going to paraphrase  
25 just a little bit, but the qualifications of the

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1 principal personnel of the prime contractor. The prime  
2 must include in the application a description, as Gus  
3 said, of the principal personnel's qualifications and  
4 relevant experience of the principal personnel and list  
5 not more than ten Public Works and private construction  
6 projects or any combination within the cost category for  
7 which the prime contractor is applying that have been  
8 successfully completed.  
9 So I think that the thinking behind the  
10 scoring is we're looking for experience in a particular  
11 cost category. And so if it's at that cost category,  
12 well, then, there's no reductions. But then if there is,  
13 if it's less than that cost category, then there may be  
14 deductions. So that's right from the language of the  
15 reg.  
16 CHAIR CLUTTS: Thank you. Member Hand?  
17 MEMBER HAND: Member Hand. So what's the --  
18 in the unlimited category case, right, if it's over \$5  
19 million, help me understand the proration in that  
20 situation. It's upper limit, right?  
21 ADMINISTRATOR NUNEZ: Sure. There's two  
22 examples. To best understand the \$5 and above, it's  
23 better to look at the examples. One of them would be  
24 between -- for the purposes of scoring, one would be  
25 between \$5 million and \$30 million, and one above --

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1 between \$5 million and above \$30 million. Because the  
2 Board requested us to use \$30 million as an upper limit  
3 in the \$5 and above --  
4 MEMBER HAND: Okay.  
5 ADMINISTRATOR NUNEZ: -- in this scoring. So  
6 let's say you're above \$5 million but at \$20 million. So  
7 if your projects that you list here is at \$20 million or  
8 more, you get no deduction. If you're below \$5 million,  
9 below the lower threshold, you get a full -- the full  
10 deduction. If you're between \$5 million and \$20 million,  
11 you get a prorated deduction depending as to where the  
12 project lands.  
13 Now, that's one example. Now let's talk  
14 about the one that -- the person that has an unlimited  
15 license and has a -- their single limit bonding is \$80  
16 million. We are then -- and then he lists these  
17 projects. Again, anything below \$5 million is a full  
18 deduction. Anything between -- anything above \$30  
19 million, not the \$80 million bonding capacity, anything  
20 above \$30 million gets no deduction. Anything between \$5  
21 and \$30 gets prorated.  
22 CHAIR CLUTTS: Bryce Clutts. And that occurs  
23 because that is what a previous Board directed you to do.  
24 ADMINISTRATOR NUNEZ: Uh-huh.  
25 CHAIR CLUTTS: So it's not arbitrary in the

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1 sense it's not written here necessarily or in any kind of  
2 NAC or NRS. It was previously directed from the Board.  
3 ADMINISTRATOR NUNEZ: Yeah. We brought  
4 various proposals. We went back and forth with the  
5 Board, and this is where we finally landed. It's not  
6 just something that we did in a vacuum.  
7 MEMBER BENTLEY: That's what I was trying to  
8 find out.  
9 COUNSEL STEWART: Sorry.  
10 ADMINISTRATOR NUNEZ: Oh, okay.  
11 MEMBER BENTLEY: Sorry, but that's exactly  
12 what I was trying -- how did you get to those parameters?  
13 Because --  
14 ADMINISTRATOR NUNEZ: Oh, I'm sorry. I  
15 misunderstood. Yeah, this was all -- the application and  
16 the scoring system was all discussed over a number of  
17 meetings. It took more than one meeting, believe me,  
18 with the Board, and basically this is where we landed  
19 with the Board. And the only thing that's been done to  
20 the original application that I -- correct me if I'm  
21 wrong. Kathy, you've been around this one for a while  
22 and Susan, the only thing that we've added to the  
23 original application and this evaluation has been on the  
24 discipline by the State Contractor's Board. That's just  
25 something that came in after several sessions after the

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1 original prequalifications of bidders law started. It  
2 was just added to it later on --  
3 COUNSEL STEWART: Right.  
4 ADMINISTRATOR NUNEZ: -- when we picked up on  
5 it.  
6 CHAIR CLUTTS: So with respect to Parts I and  
7 II, Mr. Bentley, did you get your question answered now?  
8 And is there any other question?  
9 MEMBER BENTLEY: My question has been  
10 answered. It just isn't clear, but it has been answered.  
11 Yes.  
12 CHAIR CLUTTS: Okay. Thank you.  
13 MEMBER HAND: Member Hand. I guess in my  
14 follow-up to that, how does someone that's completing an  
15 application self-score themselves if they don't know  
16 that? I mean, I think it's a fair -- maybe that's the  
17 root of Clint's question, is --  
18 MEMBER BENTLEY: Yes.  
19 MEMBER HAND: -- is how do you -- because if  
20 you've been through it once, you know the game. But if  
21 you've not been through it and you want to try to figure  
22 out what your score would be, how would you know how to  
23 calculate that --  
24 ADMINISTRATOR NUNEZ: Sure.  
25 MEMBER HAND: -- for this section?



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1 ADMINISTRATOR NUNEZ: Technically, unless you  
2 ask specifically, "I want to see your scoring form,"  
3 which is public information, we would have to release it,  
4 that would be the only way. Typically, we just -- we get  
5 the application. Hopefully, it is straightforward and  
6 truthful and to the point, and then we just score it.  
7 And like I said, we do go the extra mile to get back with  
8 an applicant and say, "Hey, you've got some prevailing  
9 wage deductions. You've got some deductions here. And  
10 by the way, in your principal personnel and on your  
11 successful projects, if you have other projects that you  
12 could include in this range or in this area that you can  
13 substitute, then that will eliminate those deductions and  
14 you'll be able to pass."  
15 I mean, we help them and we go way out of our  
16 way in trying to do our best in getting them over that  
17 120-point threshold. If they have it, if it comes to a  
18 point where they just don't have what it takes to get,  
19 you know, 120 points, and then we -- the only thing that  
20 we suggest to them at that point is well, if you go to a  
21 lower category instead of going all the way to your  
22 maximum license and bonding limit, if you, instead of  
23 going at \$5 million, if you lower to \$3 million, you'll  
24 gain all of these points and you'll pass. Do you want to  
25 lower your request? And a lot of times, they'll go, "Oh,

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1 yeah. Rather than fail, we'll lower it." So we do a  
2 certain amount of help and coaching in trying to get them  
3 passed. We just don't score and say, "Sorry" and send  
4 them a letter. We get together with them and explain to  
5 them, okay. Here's where you're at. If you have  
6 projects in this area or if you lower what your request  
7 is, then we can pass you. We do try to do the best we  
8 can on those areas.  
9 COUNSEL STEWART: If I may, for the record,  
10 Susan Stewart. I hope it's apparent to the Board that  
11 with very few exceptions, when the contractors come here  
12 to appeal a qualification denial, it's very -- it's not  
13 adversarial. It is a, you know, we go out of our way to,  
14 you know, we'll share the scoring sheet. I mean, there's  
15 not any animosity on my part or staff's part. Our job is  
16 to qualify applicants so that they can perform Public  
17 Works. That's what we see our role as, within the  
18 statute, the regs and the guidance of the Board has given  
19 us. So it's a very nonadversarial process, has been my  
20 experience, and I've been here since 2008.  
21 CHAIR CLUTTS: Thank you. Bruce Clutts, for  
22 the record. I'm a believer that if something is broke,  
23 you fix it. Otherwise, you just maintain it. And so the  
24 biggest question that I have is over the last, say, eight  
25 years, do we know how many applications there's been, how

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1 many approvals and rejections? And out of those  
2 rejections, how many were appealed to even know as a body  
3 whether we have a problem, whether something is broke or  
4 whether it needs just a little maintenance?  
5 Because I've been here for a little while  
6 now, and we've had a couple of appeals, and I imagine  
7 that you all see a lot of applications. I don't know.  
8 So if -- I don't know if this is a small issue that comes  
9 up every now and then or if this is a much broader issue  
10 so that as a body, we can understand what it is that we  
11 should be focused on.  
12 ADMINISTRATOR NUNEZ: We look at about 300 a  
13 year, I would say. I know that when we were looking at  
14 -- the reason we had a law that was passed that requires  
15 us to do our best effort in getting this form is so that  
16 they can be filled out and submitted electronically, and  
17 so we were going through a process. In getting there, we  
18 ended up with a DocuSign company that actually provides  
19 that avenue for us to use, and I'm sure if you've done  
20 some mortgage closures lately, you've seen where they can  
21 do all of the signing electronically and remotely, and so  
22 we've been using that.  
23 We had to come up with a -- well, how many  
24 are we going to do a year? How much is that going to  
25 cost? And just from a budgetary perspective because they

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1 say, well, in this range, we'll charge you \$3 per what  
2 they call envelope or per application that they process,  
3 I think was the quote that they gave us. And so I had  
4 Cece, Kathy's predecessor, go back and look over several  
5 years and see how many we were looking at, and we came up  
6 with a figure of about 300, is what I remember, that we  
7 were averaging per year. I'm sure it varies.  
8 And I guess if I -- right now, I don't have  
9 the last eight years or whatever, five, eight, ten years  
10 that we've had this thing going, how many appeals  
11 qualifications and appeals we've had, but I bet you it's  
12 less than a dozen over -- since we've had this whole  
13 system going, I would guess -- I would be surprised if  
14 it's more than a dozen, but I can go back and get you the  
15 exact number.  
16 COUNSEL STEWART: I was going to say ten, and  
17 I've been here since '08. And I know that I'm recalling  
18 not necessarily just contractor qualification appeals,  
19 but other matters that have come before the Board. But  
20 certainly, I cannot recall more than 10 or 12 at the  
21 most.  
22 CHAIR CLUTTS: So we're talking less than 1  
23 percent? Okay.  
24 COUNSEL STEWART: But that being said, we --  
25 and Gus, you can correct me if I'm wrong -- there are

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1 some -- I discovered a typo. We are going to -- we do  
2 have the new reg that's pending, so we will have to  
3 revise the application.  
4 ADMINISTRATOR NUNEZ: And the scoring.  
5 COUNSEL STEWART: And the scoring. And so  
6 and I did want to -- I know that there was some concern  
7 about the penalties that were -- or the deductions that  
8 were made for the fines, and so I did want to give the  
9 Board a clear understanding of how we got there so that  
10 -- because, you know, the contractor may come here, and  
11 they're not happy, and so, you know, they may find  
12 something that they can latch onto. And whether it's  
13 legitimate or not, who knows. But if the Board has a  
14 full understanding of exactly how -- because you weren't  
15 here when we, you know, had it approved by prior boards,  
16 it just may be helpful for your general understanding.  
17 CHAIR CLUTTS: Okay. Thank you. Any other  
18 questions before we move on? Part III.  
19 ADMINISTRATOR NUNEZ: Part III has to do with  
20 prior breach of contract. And basically, it just states,  
21 "If the applicant has been found to have been in breach  
22 of contract by a court of competent jurisdiction during  
23 the 5 years immediately preceding the date of the  
24 application." And then, "For each such action, the  
25 applicant shall include below a description of: The

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1 circumstances surrounding the breach; whether any  
2 liquidated damages were imposed in connection with the  
3 breach; and any judgment entered against the applicant  
4 relating to the action." And then you're asked to  
5 provide this information and a description here under  
6 this type of form, and then you duplicate as necessary if  
7 you have more than one.  
8 And then with respect to how we score that,  
9 if you go then to the scoring system, is that you take  
10 the judgment amount, you divide it by the contract  
11 amount, you multiply it times 10, and then you multiply  
12 it times -- excuse me. You multiply it times 20 and then  
13 you multiply it times 10, and then that gives you a total  
14 amount of deductions.  
15 So, for instance, to give you an example, if  
16 you take -- if you have a \$1 million judgment and a \$20  
17 million contract, that would equal to -- if you divide  
18 that, that comes out about a .05. You multiply that  
19 times 20, that equals 1. You multiply that 10 times 10,  
20 and then you have taken 10. Then that gives you a  
21 10-point deduction. One times 10 would be 10. That's  
22 how that looks like. Again, in going back since I've  
23 been here, we haven't seen too much of this. As a matter  
24 of fact, I don't recall any in this particular area.  
25 COUNSEL STEWART: Excuse me. The only thing

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1 I saw was the contractor that did the construction on the  
2 Las Vegas courthouse, and he submitted an application and  
3 just attached the mediation decision or the arbitration  
4 decision, and we started to work with him and try and  
5 score it, and his attorney called me and said, "I can't  
6 believe he submitted this without talking to me first."  
7 And he withdrew his application, and I never heard from  
8 him again. So that was the only issue that I've ever  
9 seen with this one.  
10 ADMINISTRATOR NUNEZ: I don't recall having  
11 an issue there.  
12 COUNSEL STEWART: No.  
13 ADMINISTRATOR NUNEZ: So anyhow, unless you  
14 have some questions, and perhaps, you know, you might  
15 want to look at this formula here later on and on your  
16 own time or whatever and think about it a bit, but that's  
17 kind of like what the staff and the Board came up with a  
18 while back on that particular matter as to how to score  
19 that.  
20 THE COURT: If I could, Bryce Clutts, for the  
21 record. What I would suggest is, if the Board is okay  
22 with it, is if you just run through it, and if there's a  
23 question, we just pause and ask that question.  
24 Otherwise, we'll assume there isn't, if that works.  
25 ADMINISTRATOR NUNEZ: Okay. Move on. Then

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1 here under part IV, Prior Disqualification From the  
2 Contract Award. And where it says, "The applicant was  
3 disqualified from the award of any contract pursuant to  
4 the NRS," the section, and we need to add a couple more  
5 sections to this, we found out today.  
6 I went back and started reading this and  
7 looking at the current law, the NRS, and we need to get  
8 through here. And every now and then, the NRS changes,  
9 the numbers change, and the 138.7 needs to be changed to  
10 138.45 and 138.95. So, now, this is just housekeeping  
11 stuff.  
12 During -- in this case, "During the 5 years  
13 immediately preceding the date of application, provide  
14 the following information." And so if we -- if they  
15 submit that, what we do is for each disqualification  
16 here, we're going to deduct 20 points. So at that point,  
17 like I said, you can lose up to 30 points, so this is a  
18 major, major hit. But we feel that if you've had an  
19 issue regarding these matters here, it should be a major  
20 deduct.  
21 COUNSEL STEWART: For the record, Susan  
22 Stewart. One of the ways the scoring is set up is that  
23 no one area -- you could get all of the points deducted  
24 in one particular area, and it wouldn't be enough to  
25 disqualify you.

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1 ADMINISTRATOR NUNEZ: Completely. Moving on  
2 to Part V5 is past performance. And under past  
3 performance, the first thing we look at is wage and hour.  
4 In other words, prevailing wage violations. So if you  
5 have any prevailing wage violation, we ask you to list  
6 them here.  
7 And what we do is for each violation, as you  
8 can see here under Part V-A under the scoring system,  
9 under performance history, for each wage and hour  
10 violation, we deduct two points. So again, you'd have to  
11 have -- in order to fail, you must have over 15 in this  
12 category. You have to have more than 15 violations of  
13 wage and hour before you're actually -- at 15, you just  
14 pass. More than that, you fail.  
15 COUNSEL STEWART: Which we've seen.  
16 ADMINISTRATOR NUNEZ: Yes, which we have  
17 seen.  
18 Moving on to the next page on the Past  
19 Performance is Discrimination in Employment. So what it  
20 says here, it says, "Give a description of any civil  
21 judgment, findings of fact, administrative proceedings or  
22 criminal conviction relating to a violation of any law  
23 pertaining to discrimination in employment against or by  
24 applicant or principal personnel of the applicant,  
25 indicating that the applicant or principal personnel have

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1 violated local, state, or federal laws which pertain to  
2 the work of the applicant, during the 5 years immediately  
3 preceding the date of the application." So we ask you to  
4 list that. Again, any violation in this category. If  
5 you go to V, Part VB, discrimination in employment, we  
6 deduct 2 points per violation.  
7 Moving on to the next page, still under  
8 Performance History, and it deals with failed projects.  
9 So if the applicant, in the prior 5 years, in projects  
10 which exceeded \$25,000 or more, "If the applicant failed  
11 to substantially complete the contract from the deadline  
12 for completion specified in the contract, as adjusted by  
13 any change order or extension of time award, or if the  
14 applicant failed to complete any remaining requirements  
15 of the contract within 90 days of substantial completion  
16 of the contract or the applicant failed to complete the  
17 contract and the remaining work on the project was  
18 performed by others," we ask you to list those projects  
19 here that are any that are in violation of any one of  
20 those bullet points that we have there. We ask them to  
21 list it here.  
22 The way we score that is under VC here,  
23 failed projects in the past five years. Again, if you  
24 did not complete the project within the contract time as  
25 suggested by the change order, we can -- the staff can

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1 deduct anything between 1 and 10 points per offense. The  
2 amount of points deductible takes into consideration the  
3 amount of projects completed by the applicant and  
4 magnitude of the delay of the completion. So obviously,  
5 just a 2-3 day delay, it scores pretty low. But if you  
6 get into the 30 days plus, it's going to be scoring  
7 pretty high.  
8 The same thing here under the second item.  
9 "If the applicant failed to complete any remaining  
10 requirements of the contract within 90 days of  
11 substantial completion," then we deduct 10 points per  
12 offense. So if you didn't finish your punch list within  
13 90 days, then we're going to deduct 10 points. And then  
14 the last one. If the contractor failed basically to  
15 complete the work and the remaining work had to be  
16 completed by another contractor, then that's pretty  
17 egregious. We deduct 20 points. Again, not one of these  
18 will fail you. You have to lose 30 points before you get  
19 there.  
20 CHAIR CLUTTS: So Bryce Clutts, for the  
21 record. So my understanding -- am I understanding  
22 correctly that the maximum amount of points deducted for  
23 5C could be 20?  
24 ADMINISTRATOR NUNEZ: Yes.  
25 CHAIR CLUTTS: So if you were 30 days late

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1 and then didn't get your punch list done for the 90 days  
2 and then failed to complete the job, would you add all of  
3 those or would it be a maximum 20?  
4 ADMINISTRATOR NUNEZ: No, you would add all  
5 of those.  
6 CHAIR CLUTTS: So you could, in that  
7 particular section, lose up to 40 points?  
8 ADMINISTRATOR NUNEZ: Yes, you could. Yes.  
9 CHAIR CLUTTS: Thank you.  
10 ADMINISTRATOR NUNEZ: The next part here,  
11 which is Part VI, this is the one that was added recently  
12 to our application. Under VI under past performance is:  
13 "Have you ever been disciplined or fined by the Nevada  
14 State Contractor's Board or other state or federal  
15 agency?" So we ask you here basically, it says, "State  
16 whether you have been disciplined or fined by the Nevada  
17 Contractor's Board or another state or federal agency,  
18 such as OSHA, during the 5 years immediately preceding  
19 the date of the application. Any discipline or fine  
20 imposed pursuant to NRS 624.301 through 624.305,  
21 excepting 624.30175 must be disclosed." And then,  
22 "Relevant documentation must be attached."  
23 So we ask you to state it, disclose it in the  
24 form here, and then if you go to Part VI here under the  
25 scoring system, you can see there where we're using the

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1 amount of the fine as to how many points we deduct. I'm  
2 going to turn it over real quick over here to Susan, and  
3 we -- this basically, in these categories that we got, 1  
4 through 10, basically came out of the NRS 624, which is  
5 the contractor's NRS. And, Susan, do you want to go over  
6 that?  
7 COUNSEL STEWART: Sure. So the law was  
8 passed that said we need to take into consideration  
9 whether a contractor has been fined or disciplined by a  
10 state agency or OSHA or other federal agency for conduct  
11 related to the performance of their work. So that was  
12 the statute. And from that, we developed a reg. And  
13 from the regulation, we developed the scoring sheet that  
14 you have in front of you, as well as the language that's  
15 in the application.  
16 And what I recall I did is I went to Chapter  
17 624, which is the Contractor's Board statute, and they  
18 have a section entitled, 'Grounds for disciplinary  
19 action.' And it runs -- and it's reflected here in the  
20 application. It's NRS 624.301 through 305. And exempt  
21 from the violations is specifically 624.30175, which  
22 relates to not paying child support. So it was my  
23 opinion, and I presented it to the Board, that while that  
24 may be egregious, it is not necessarily related to a  
25 contractor's ability to perform their work. So that is a

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1 violation that we don't ask them to disclose on this  
2 application.  
3 Then we -- I looked at the NAC, the  
4 regulations for the Contractor's Board, and they have  
5 NAC -- and you guys have copies of these in front of you  
6 -- NAC 624.7251 talks about the specifics, the fine and  
7 the amount. And then it also talks about factors that  
8 they take into consideration when fining: Has the person  
9 exhibited bad faith, ignored warnings, perpetrated one of  
10 these violations against a senior citizen or someone with  
11 a disability? And so those are factors that the  
12 Contractor's Board takes into consideration when they're  
13 assessing these fines. And the person or the contractor  
14 that is fined has due process in front of the  
15 Contractor's Board before these fines are assessed.  
16 So we took these amounts -- the lowest is 50,  
17 the highest is \$50,000, and we simply listed those on  
18 this score sheet and assessed points. The highest fine  
19 would result in a 20-point deduction, and \$50 to \$1,000  
20 would result in a 2-point deduction and all points  
21 in-between based upon the argument or assumption that a  
22 larger fine is because of the more egregious violation.  
23 And so that was presented to the former board, and that  
24 was what was approved.  
25 I did want to ask one question. Is this --

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1 does this read clearly to the Board, the requirement  
2 that's here as far as past performance and the listing of  
3 what you have to list is clear? And I'm referring to  
4 section Part VI, Past Performance? Is there any  
5 confusion that you have to report a fine or discipline  
6 from a federal agency, OSHA, and/or the Nevada State  
7 Contractor's Board? Is that unclear in any way?  
8 CHAIR CLUTTS: Not to me.  
9 COUNSEL STEWART: Okay. All right. Thank  
10 you.  
11 ADMINISTRATOR NUNEZ: Move on to the next  
12 section, which is Part VII: Successful Projects. And  
13 what we ask you here or ask here is that the applicant  
14 lists ten Public Works or private construction projects  
15 or any combination thereof that the applicant has  
16 successfully completed during the 5 years immediately  
17 preceding the date of the application for which the cost  
18 of the project is within the cost category for which the  
19 application seeks qualifications to submit bids."  
20 And then, of course, for each project, then  
21 we ask you to fill out this information that is asked  
22 here. Now, as to when we go to then score this, if you  
23 look at Item 7 under successful projects, we take each  
24 project and we deduct, as it says here, we deduct zero  
25 points for projects in the upper range of the cost

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1 category, .5 for the middle, 1 point below the range of  
2 the cost category, and 2 points -- and deduct 2 points  
3 for each project not listed less than 10. So if you look  
4 -- again, going back to the last sheet that was in that  
5 section, which is that spreadsheet that we were looking  
6 at before for the successful projects, we basically score  
7 those the same way that we talked about under "Principal  
8 Personnel," except this time, we use -- because there is  
9 10 projects and it's a total potential of 20-point deduct  
10 on that, we basically score on a 2-point by 2-point per  
11 project.  
12 So again, if you're below the range that  
13 you're asking for, you're going to get a full 2-point  
14 deduct. Or if you don't list any, then you're going to  
15 get a 2-point deduct. If you're at or above that  
16 category that you're asking for, and/or -- again, and/or  
17 your bonding or license limit, whichever is less, if  
18 you're at or above that, then you get no deduct.  
19 And then if you're in-between, then you  
20 prorate it from the bottom of the category to your  
21 license bonding limit that you're applying for, and in  
22 the \$5 million plus, you don't -- at \$30 million and  
23 above, you get no deduct at all no matter how high your  
24 license and bonding limit is. And so basically, the same  
25 rules that we use for principal personnel applies to

1 successful projects except it's on a 2-point basis per  
2 project rather than one.  
3 And the last part that we score, and that is  
4 a pass/fail. And if you go to Part VIII, basically it's  
5 more of I guess you could call it an acknowledgment.  
6 You're saying that you're being -- you didn't fail to  
7 disclose any material information or falsify any material  
8 information and that you're declaring under penalty of  
9 perjury that all information provided is complete and  
10 correct to the best of my knowledge and belief, and we  
11 ask you to sign and notarize that.

12 Because when you go to the scoring system, if  
13 you fail to disclose that material, that's a pass/fail  
14 situation, or if you falsify any material information,  
15 that also is a pass/fail. The prior Board that approved  
16 this, they were very adamant about this particular item  
17 here, that we want to make sure that everything that was  
18 -- all of the applications that were submitted that were  
19 full -- that there was a full disclosure and there was  
20 nothing there that was falsified.

21 COUNSEL STEWART: Susan Stewart, for the  
22 record. And you'll recall when I started my discussion,  
23 one of the criteria that we're specifically charged with  
24 taking into consideration is the truthfulness of the  
25 application. So that follows along with the statute.

1 ADMINISTRATOR NUNEZ: The first -- actually,  
2 a little bit of history, if you're interested. The first  
3 contractor that was ever disqualified by the Board, by us  
4 and the Board, was because of this particular item here.  
5 Basically, if he would have told the truth, he would have  
6 failed, from my recollection, so that's about how it  
7 went. Actually, that went through the board. It was  
8 appealed, and we had a hearing.

9 MEMBER BENTLEY: I know the answer, but I'm  
10 still going to ask for clarification. Under VII, numbers  
11 2 and 3, shouldn't that stipulate each project in the  
12 wording there?

13 ADMINISTRATOR NUNEZ: Yeah, it is for each  
14 project listed, you're correct, how the deduction goes.  
15 Oh, I see. Add that. Okay. So add to 1, 2, and 3 for  
16 each project. Yes, you're absolutely correct.

17 MEMBER BENTLEY: Yes.

18 ADMINISTRATOR NUNEZ: Good catch.

19 CHAIR CLUTTS: Okay. Bryce Clutts, for the  
20 record. Is my understanding correct that today was  
21 really about trying to get an understanding of the whole  
22 process, the Board digests that information, and that at  
23 a subsequent meeting, provide potential recommendations  
24 or no recommendations? Is that the intent? Okay.

25 Are there any other questions from the Board

1 before we wrap this part up and move on in the agenda  
2 with what's been presented so that we can process that  
3 information and come back at the next Board meeting and  
4 provide any recommendations that we might have, if any?

5 MEMBER BENTLEY: I still have one question  
6 back on the scoring. I understand everything that's been  
7 said, but the very last statement that was made regarding  
8 upper, middle and lower, if I understood you correctly,  
9 you stated that you did have a criteria established from  
10 the prior boards that you used. Is that in writing?

11 ADMINISTRATOR NUNEZ: I'm sure -- yes, I'm  
12 sure we can go back through the minutes and find them.

13 MEMBER BENTLEY: I would really like to see  
14 anything in writing. If you could send that, I'd  
15 appreciate it.

16 ADMINISTRATOR NUNEZ: You bet.

17 MEMBER BENTLEY: Thank you.

18 ADMINISTRATOR NUNEZ: I'm going to have to go  
19 back many, many years, but we'll go dig. Actually, when  
20 I came to work here, that was one of the very first  
21 things. The law had been passed, and we didn't have the  
22 application or the scoring system put together yet, and  
23 that was one of the first tasks that I tackled as a  
24 deputy. I was a deputy manager at that time. So we'll  
25 have to go back to 2001, 2002. But I'm sure we can find

1 them. It should be in our archives.

2 CHAIR CLUTTS: Go ahead, Mr. Bentley.

3 MEMBER BENTLEY: You have to be using it now;  
4 correct?

5 ADMINISTRATOR NUNEZ: Yeah. This is what  
6 we've been using since the very beginning except for that  
7 last item that we -- and the Contractor's Board, which  
8 was added to the law later on.

9 CHAIR CLUTTS: Okay. So what I'd like to do,  
10 moving forward, is if the Board could look at this, and  
11 if you have further questions or recommendations at the  
12 next meeting that we bring those and that we discuss  
13 those and take action if necessary. And then if you  
14 could, the information that Mr. Bentley asked for as well  
15 as if we could, say in the last eight years, identify the  
16 number of applications, rejection, appeals, et cetera.  
17 And if we could have that information prior to the  
18 meeting, that would be helpful. Are there any other  
19 questions or actions before we move on? Okay.

20 Moving on to Agenda Item No. 5 for  
21 discussion: Legislate Update. Ms. Stewart?

22 COUNSEL STEWART: Yes, thank you. For the  
23 record, Susan Stewart. Very briefly, just a legislative  
24 update for the Board. You'll recall, we had given the  
25 Board a prior report on proposed bill draft requests that

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1 the Division was going to put forth regarding the  
2 administrator's qualifications, delete the Board's review  
3 of local revisions to the Uniform Plumbing Code, delete  
4 the Division's responsibility through their facility  
5 group to inspect UNR and UNLV, exempt amendments to our  
6 professional services agreements -- I'm sorry, from the  
7 Board of Examiners, and allow the building official to  
8 issue permits directly to private contractors.  
9 As of printing, it could have changed. I  
10 haven't checked the website today, but as of printing,  
11 the following BDRs are moving forward, and they've  
12 actually been assigned bill numbers, and AB 41 revises  
13 the administrator's qualifications back to what they were  
14 prior to the last session. It also tweaks, if you will,  
15 the qualifications for the Board members as well,  
16 allowing for the appointment of a Board member that is a  
17 licensed contractor or were licensed in the past. SB 44,  
18 the building official, will issue permits to private  
19 contractors, removing Public Works from oversight of  
20 local governments, revisions to the Uniform Plumbing  
21 Code, and the final bill that's moving forward is that  
22 the Division will not be responsible for inspecting UNR  
23 and UNLV facilities. The revisions to or eliminating the  
24 requirement that our amendments to professional service  
25 agreements from the Board of Examiners did not move

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1 forward. That's all I have unless anyone has any  
2 questions.  
3 CHAIR CLUTTS: Okay. Thank you, Ms. Stewart.  
4 ADMINISTRATOR NUNEZ: A little housekeeping  
5 real quick. I just want to mention that Member Stewart  
6 joined us a while back, so I'm going to -- I can't recall  
7 exactly at which point in the discussion he came in, but  
8 he should be marked --  
9 CHAIR CLUTTS: He's duly noted as late.  
10 ADMINISTRATOR NUNEZ: -- as being here.  
11 COUNSEL STEWART: For the record, I believe  
12 the court reporter noted about an hour ago that  
13 Mr. Stewart was here and made a notation in the record.  
14 ADMINISTRATOR NUNEZ: Oh, good. Thank you.  
15 Somebody's on the ball.  
16 And then the other thing that I missed,  
17 you've been getting a lot of e-mails and phone calls from  
18 Laura Adair, and she's sitting right here right now, so I  
19 wanted you to see the face behind the e-mails.  
20 CHAIR CLUTTS: Thank you.  
21 ADMINISTRATOR NUNEZ: Anything you need, feel  
22 free to call Laura or myself, obviously. And if I'm not  
23 around, she can chase me down, I'm sure. So she has full  
24 access to my calendar. She can even schedule meetings  
25 for me.

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1 CHAIR CLUTTS: Thank you.  
2 ADMINISTRATOR NUNEZ: So anything you need.  
3 COUNSEL STEWART: And we're thrilled to have  
4 her.  
5 MS. ADAIR: Thank you.  
6 ADMINISTRATOR NUNEZ: Yes. And she will be  
7 taking roll call next meeting.  
8 MS. ADAIR: I wasn't sure about that. Okay.  
9 Thank you.  
10 ADMINISTRATOR NUNEZ: So thank you, Laura.  
11 With that, I guess, I'm sorry, I guess we can move on to  
12 the next item here.  
13 CHAIR CLUTTS: Moving on to Agenda Item  
14 Number VI, again, Ms. Stewart.  
15 COUNSEL STEWART: Thank you. For the record,  
16 Susan Stewart. The Public Works Division has been  
17 presented with a couple of pieces of proposed  
18 legislation, and hopefully you have copies of those.  
19 They should have been in front of you. One is entitled,  
20 "Contracts Involving Construction Manager at Risk" and  
21 then the second one, you'll see in the middle of the page  
22 is, "Proposed changes to NRS 338.141." There's also a  
23 proposed change to 338.0117.  
24 And as I've stated in the discussion in your  
25 action item, there's a proposal that the State Public

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1 Works Division create a standard form subcontractor list  
2 that must be used by all local government public bodies  
3 in their bid documents. There's also been the same --  
4 and that's this one -- the proposed changes to NRS  
5 338.141 also proposed that the Public Works Division  
6 create a standard form affidavit for all bidders to use  
7 when they're applying for the bidder's preference.  
8 You'll recall the law changed a couple of years ago, and  
9 it required if you want to receive the bidder's  
10 preference when you submit your bid, you have to provide  
11 an affidavit of compliance that says if you're awarded  
12 the project, 50 percent of the subcontractors will reside  
13 in Nevada, et cetera, et cetera. And the proposal is, is  
14 that the Public Works Division create an affidavit for  
15 all public bodies to use. Gus and I met with --  
16 ADMINISTRATOR NUNEZ: Did you state who came  
17 to us?  
18 COUNSEL STEWART: AGC North.  
19 ADMINISTRATOR NUNEZ: AGC North and  
20 Assemblyman Skip Dailey.  
21 COUNSEL STEWART: Well, I was going to get to  
22 that next.  
23 ADMINISTRATOR NUNEZ: Okay. All right.  
24 COUNSEL STEWART: Sorry. So we met with AGC.  
25 We had proposed some changes which you will see at the --

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1 primarily at the end of the bill, and what we had  
2 proposed in response to that was that the law require the  
3 use of the language that Public Works Division uses so  
4 that local bodies would need to use certain language, but  
5 it wouldn't be Public Works inserting themselves into the  
6 process. Do you want to talk about this one now and then  
7 we'll go to this one?  
8 ADMINISTRATOR NUNEZ: Sure. I think that the  
9 goal of the bill that the AGC is trying to be moving  
10 through is being sponsored by the legislature, and  
11 they're telling us that to try to minimize the number of  
12 protests that they get on bids. So as a result of that,  
13 one of the areas that we get a lot of protests in is in  
14 the listing of sublistings that are required, whether it  
15 is the 5 or 1 percent list or the 3 percent list.  
16 The first thing that one of the ways that  
17 they -- so they felt that they need to simplify it  
18 because the contractors are making a lot of mistakes in  
19 this area, and it leads to protests and basically some  
20 bids that are actually rejected as being nonresponsive,  
21 and they want to minimize that. And so one of the first  
22 things they did is they are going to take out the 3  
23 percent list because basically, nobody is using that.  
24 We've never used it, and I've never seen it used. I  
25 don't know if anyone is using it, but it's not very

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1 common to see that 3 percent list. Most folks are using  
2 the 5 and the 1 percent. 5 percent, obviously, comes in  
3 with the bid. The 1 percent comes in two hours after the  
4 end of the bid opening.  
5 And again, all of this is to prevent bid  
6 shopping, as it were, is the genesis of this particular  
7 law in the NRS. And there's been confusion as to, you  
8 know, if you're listed under 5, do you want to be listed  
9 under 1? If the prime is not performing any of the work,  
10 does he have to be listed? And in the forms that we use,  
11 we're very specific, and in the areas that we see some  
12 mistakes, then we bold it and put it in red on our forms.  
13 So they -- the group of contractors up here that are used  
14 to bidding our projects -- we like to see everybody use  
15 the same form, and the Public Works' form is the best one  
16 that we see out there that is the clearest. So we want  
17 to use that. My input back to them was, thank you,  
18 but --  
19 COUNSEL STEWART: No thank you.  
20 ADMINISTRATOR NUNEZ: -- we're not in the  
21 business of providing or requiring forms for local  
22 government, and sometimes this is seen as -- any of these  
23 things could be seen as, you know, Public Works is trying  
24 to influence or tell us how to do our forms, and it  
25 probably is not going to be well received, number one, by

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1 local government, and we would prefer not being the ones  
2 that prepare this form. I'm sure that Susan may tell you  
3 well, she could be -- there could be concern with respect  
4 to liability, I don't know, because we're creating those  
5 forms that they have to use.  
6 So we would rather you take our form and the  
7 way that we word our form and use the wording. Don't --  
8 and then not necessarily quote that you're going to use  
9 Public Works. So every time we -- because we may modify  
10 our form in the future if we find any problems with it.  
11 And then that means that everybody now, we've got to  
12 notify everybody out there in the whole state of Nevada  
13 that oh, by the way, we've changed our form and you've  
14 got to change your form because that's what the law says.  
15 We don't want to be in that business at all. So that's  
16 pretty much along those lines that we have suggested to  
17 them.  
18 Susan has been working with their legal  
19 counsel and coming up with wording that they can use.  
20 There's also the issue that on some of these forms,  
21 sometimes you have to notify them just because you're  
22 using federal funds, grant funds. And they're requiring  
23 other things above and beyond what is required by state  
24 law, and they have to take care of that. So we brought  
25 also that to their attention in this area. But am I

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1 missing anything?  
2 COUNSEL STEWART: I don't think so. This is  
3 Susan Stewart, for the record. I have some concerns that  
4 Public Works would even have jurisdiction to do something  
5 like this. And I'm, you know, typically, Public Works  
6 does things through the reg process, so it would be very  
7 involved if we were directed to do something like that.  
8 So again, like Gus said, our suggestion was is that if  
9 the language in the form is working, then, you know, just  
10 mandate that the form include the language that makes the  
11 form clear. Do you want to talk about the second one?  
12 ADMINISTRATOR NUNEZ: Sure. So instead of  
13 actually mentioning Public Works, just take Public Works  
14 out and put what was suggested to them along those lines.  
15 CHAIR CLUTTS: Before we move on, is there  
16 action being requested of the Board at this time?  
17 COUNSEL STEWART: Well, we did have another  
18 bill to talk about.  
19 ADMINISTRATOR NUNEZ: And it's along the same  
20 lines, so what I'd like to do is then from a policy  
21 perspective, that should give us some direction on that.  
22 COUNSEL STEWART: The second bill is -- this  
23 is a bill that's been -- Assemblyman?  
24 ADMINISTRATOR NUNEZ: Skip Dailey.  
25 COUNSEL STEWART: Yeah, he's an assemblyman.

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1 ADMINISTRATOR NUNEZ: Assemblyman, yeah.  
2 COUNSEL STEWART: Skip Dailey reached out to  
3 Gus and is proposing a number of revisions to the CMAR  
4 statutes that are in NRS 338. And many of them are -- I  
5 would say don't impact Public Works' ability to contract  
6 via the CMAR process. One that was -- one proposed  
7 change that was problematic, Gus and I both agreed, was  
8 the bill proposes that, for example, if Carson City wants  
9 to contract using the CMAR process, there's a request for  
10 a proposal, and then there's an interview and a selection  
11 committee. And this bill proposes that employees with  
12 Carson City could not sit on the selection committee,  
13 that Public Works Division employees would have to sit on  
14 Carson City's selection committee.  
15 And Gus and I felt that that was problematic  
16 for many reasons, primarily that that's not our job. And  
17 it would be very difficult for Public Works, from a  
18 practical standpoint, and legally, for them to, I mean,  
19 it would be quite a departure from our stated program as  
20 it is.  
21 ADMINISTRATOR NUNEZ: And again, I'd hate to  
22 be the one -- so we recommend something to a public body.  
23 Here's the ranking and they use it, and maybe the  
24 contractor doesn't perform and, you know, and it's not  
25 our -- if you look at the 341 and why we were created in

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1 341, boy, it's a long, long ways from looking or  
2 participating with local government in their contracting  
3 and practices.  
4 I think the other area that they wanted to  
5 include in there was the information required for the  
6 selection in the selection process, and we've been, to a  
7 certain extent, successful due to the information that is  
8 required to be provided. When we get the proposals in as  
9 we're scoring and going through the short list and then  
10 the interview and proposal, the final scoring is we ask  
11 for sufficient information so that everything is  
12 disclosed upfront. We ask enough information in --  
13 obviously, we get the fee, the general overhead and  
14 profit. That's from everyone. We also request that they  
15 provide certain information so that their costs of their  
16 general conditions can be calculated from and determined,  
17 and then of course the only thing left at that point is  
18 the cost of the work, which we require that at the end of  
19 the process on the preconstruction services, that they  
20 give us a GNP, that they do go through a bid process, and  
21 at the bid opening, the bids are submitted in a closed  
22 envelope, and we're there at the bid opening, and we  
23 oversee everything and get copies of everything.  
24 As the bids are opened, copies are made. We  
25 get a copy of everything so that as the prime contractor

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1 goes through what we call their scrubbing process to make  
2 sure they got apples to apples all the way through to  
3 determine who the low bidder is on all of the trades,  
4 that process, we keep track of all of that, and  
5 documentation is given to us and all of that, so we  
6 oversee the process, the whole process.  
7 We typically have at least two and usually  
8 three project managers at the contractor's office when  
9 the bids are open. And again, this -- so the cost of the  
10 work, you might say it's an open book-type process.  
11 During the selection process, we know the fee, our  
12 general overhead and profit, we know what the GCs are  
13 going to be, and at the end, we get the cost of the work.  
14 So pretty much I look at it as an open book-type contract  
15 at that point. We have knowledge of everything. There  
16 is nothing left.  
17 And I guess in other jurisdictions because of  
18 what they ask or don't ask for, you see some fees that  
19 will come in kind of low and get an advantage at that  
20 point and then certain contractors that then are using  
21 either their GCs or other things as a profit center and  
22 playing games with that, basically.  
23 So Skip, Mr. Dailey, likes the way that --  
24 the type of information in our process, so he's trying to  
25 -- first of all, he tried to put in there that we use our

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1 Public Works forms, and then we're trying to, again,  
2 let's say -- why don't you then take a look at our forms  
3 and whatever you like that's in there, then require it in  
4 the law, and then keep that the words Public Works Board  
5 forms out of it. And we're encouraging that right now  
6 for that to be used in this. And you'll see the  
7 comments that we've put together and sent back with them  
8 there along these lines in here.  
9 So having said all of that, the main  
10 direction, you know, and I've been encouraging the --  
11 I've told both AGC and Assemblyman Dailey that I needed  
12 to get -- he still kind of insists that they want to use  
13 Public Works into staff or forms in these bills, and I  
14 would -- I told him as a policy, I'd like to get some  
15 direction from our Board because our feeling, gut  
16 feeling, is that we shouldn't be in that position. And I  
17 told him I would get back with him and see what the  
18 thoughts from the Board may be on naming specific Public  
19 Works to be involved with what local jurisdictions are  
20 doing with respect to the construction management at  
21 risk.  
22 CHAIR CLUTTS: Gus, where is -- or Susan,  
23 where is the information? In 338.1693, where do I find  
24 the language? On which page? The language that's  
25 requiring --



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1 COUNSEL STEWART: I'm sorry. It's on page 5.  
2 CHAIR CLUTTS: How do I know what is proposed  
3 language and what is existing language?  
4 COUNSEL STEWART: Yes. So I apologize. I  
5 should have put a little legend in there. My proposal,  
6 my proposed additions, are underlined. And then  
7 everything else that's stricken or highlighted are  
8 Mr. Dailey's proposals.  
9 CHAIR CLUTTS: So can I -- all of this is  
10 added language. Yours is underlined.  
11 COUNSEL STEWART: All of?  
12 CHAIR CLUTTS: If it's not underlined, is it  
13 Assemblyman Dailey's language, and if it is underlined,  
14 it's yours? Or is there an original language and then  
15 Assemblyman Dailey's language and then your language?  
16 COUNSEL STEWART: Right. Sorry.  
17 CHAIR CLUTTS: How do I differentiate between  
18 those?  
19 COUNSEL STEWART: So the highlighted text, as  
20 you're going -- page 1, these deletions here on page 3  
21 and the highlighted text.  
22 CHAIR CLUTTS: Nothing that we have is  
23 highlighted.  
24 COUNSEL STEWART: Oh, it's not? Oh. My  
25 apologies. Susan Stewart, for the record.

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1 VICE-CHAIR STEWART: Ours is and it's really  
2 nice, Bryce.  
3 CHAIR CLUTTS: Thank you, Mr. Stewart. It's  
4 hard to read from here.  
5 VICE-CHAIR STEWART: Just to comment while  
6 we're looking at that, I think that we need to probably  
7 have a motion that, you know, what Assemblyman Dailey is  
8 asking and what AGC of Reno is asking is for the State  
9 Public Works Board to become the monitor for the State of  
10 Nevada. I agree exactly with what you've said. If they  
11 want to use the forms, which I think is the issue, they  
12 want to -- if they want to have a standardized form  
13 statewide, I don't think as a Board we have an issue with  
14 that. But asking us to administer it in any way, shape,  
15 or form, we don't have the manpower, and we definitely  
16 don't have the manpower to be sending out a majority of  
17 every CMAR selection panel in the State of Nevada. That  
18 would be insane. So I don't know if we could put that in  
19 a motion or not, but I would be glad to make it.  
20 ADMINISTRATOR NUNEZ: We would very much  
21 appreciate something along those lines. I don't want to  
22 influence the Board in any way, but --  
23 CHAIR CLUTTS: So thank you, Mr. Stewart. Is  
24 that a motion?  
25 VICE-CHAIR STEWART: Yes. If you want me to

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1 restate the motion, I can do that.  
2 THE COURT: Does the Board need the motion  
3 restated?  
4 CHAIR CLUTTS: There's a motion on the table.  
5 Is there a second?  
6 MEMBER BENTLEY: Second.  
7 CHAIR CLUTTS: Any comments or questions?  
8 All of those in favor?  
9 THE BOARD: Aye.  
10 CHAIR CLUTTS: Any opposed? The motion  
11 carries.  
12 ADMINISTRATOR NUNEZ: Thank you.  
13 COUNSEL STEWART: Susan Stewart, for the  
14 record. And what I will do is I will provide the Board  
15 with a clear marked-up copy of what's what. That's okay.  
16 And I will send it to each of you individually for your  
17 reference. Please do not discuss it among yourselves.  
18 It's just for your reference. And then I suspect that  
19 this will come up again, and we can discuss it in the  
20 future, but then you'll have a clear picture. And I  
21 apologize that you didn't get the highlighted copy.  
22 ADMINISTRATOR NUNEZ: What we will do is  
23 actually, probably the next time we see these things,  
24 it's actually going to be in a bill form, and we'll send  
25 it back out to the Board with any of our comments. I'll

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1 have to get some -- through Patrick, I'll have to get  
2 some approval as to how to testify depending on how the  
3 bill comes out, and we'll follow up based on the motion  
4 and the direction that I have from the Board, we'll  
5 follow up accordingly along those lines. Still, like I  
6 said, I still need approval from administration as to how  
7 to testify on these things.  
8 CHAIR CLUTTS: Are there any other questions  
9 or comments related to Agenda Item Number 6?  
10 Moving on to Agenda Item Number 7 for  
11 possible action: Board comment and discussion. Any  
12 further Board comments or discussion related to today's  
13 agenda items?  
14 Hearing none, move on to Agenda Item Number  
15 8: Public comment. Any public comment? Anybody show up  
16 down there?  
17 MEMBER BENTLEY: No.  
18 CHAIR CLUTTS: Thank you. Seeing none up  
19 here.  
20 MEMBER CATES: I have a public comment. I  
21 would like to lodge a complaint with the thermostat czar.  
22 This room is freezing. I don't know if maybe -- my legs  
23 are icicles.  
24 COUNSEL STEWART: I'm very comfortable. Is  
25 anyone else cold?

1 MEMBER CATES: Is it just me?  
2 CHAIR CLUTTS: I think you're on your own on  
3 this one.  
4 MEMBER CATES: I'd like to withdraw my  
5 comments from the record then. I'm sorry. Go ahead.  
6 CHAIR CLUTTS: We'll adjourn the meeting at  
7 3:45 p.m. Thank you.  
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1 STATE OF NEVADA )  
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3 CARSON CITY. )  
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5  
6 I, NICOLE HANSEN, Official Court Reporter for the  
7 State of Nevada, State Public Works Division, do hereby  
8 Certify:  
9

10 That on the 27th day of January, 2017, I was  
11 present at said meeting for the purpose of reporting in  
12 verbatim stenotype notes the within-entitled public  
13 meeting;

14 That the foregoing transcript, consisting of pages 1  
15 through 65, inclusive, includes a full, true and correct  
16 transcription of my stenotype notes of said public  
17 meeting.  
18

19 Dated at Carson City, Nevada, this 3rd day of  
20 February, 2017.  
21

22  
23  
24 NICOLE HANSEN, NV CCR #446  
25

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