**REVISED**

**NOTICE OF INTENT TO ACT UPON A REGULATION**

Notice of Hearing for Adoption of Regulation of the

State Public Works Board

The Nevada State Public Works Board will hold a public hearing at 8:30 a.m., on the 6th day of September of 2018, at the 515 East Musser Street, Suite 102, Carson City, Nevada 89704, with video-conferencing to 2300 McLeod Street, Las Vegas, Nevada 89104. The purpose of the hearing is to receive comments from all interested persons regarding the adoption and amendment of regulations that pertain to chapter 331, 338 and 341 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need or the purpose of the proposed regulation.

* R075-18:
  + Adds a new preference for veterans with service-connected disability and other revisions consistent with Assembly Bill 62.
  + Expands qualification criteria to include whether a prime or subcontractor has been disqualified due to making a misrepresentation or otherwise committing a fraudulent act in applying for the Veteran’s preference.
  + Removes the requirement that SPWD perform contractor evaluations on public works with an estimated cost of less than $100,000.
  + Expands the criteria relating to past performance to include more detailed information about an applicant’s Nevada public works litigation history.
  + Removes the requirement that a contractor submit an ‘original’ certified state of bonding capacity.
  + Makes changes to conform the CMAR subcontractor selection with new laws: (1) subcontractor proposal must be on preapproved form; (2) statutory requirements apply to subcontracts which are the greater of 1 percent of the total estimated cost of the public works or $50,000; (3) attendance at proposal meeting is only required if a meeting is held; and (4) CMAR does not need to provide Owner with price of subcontractor proposal.
* R076-18
  + Clarifies that as between structural standards adopted by the Board and structural standards adopted by the political subdivision where the building is constructed, the more stringent will apply.
  + Updates the version of the building codes adopted by the Board and the cost to purchase code books.
  + The Deputy Administrator can determine the amount of the fee that must be paid, when plans and specifications are checked by a third-party contractor.
* R077-18
  + Requires an Agency to submit certain forms, meet certain deadlines and provide prior authorization to request leased space in non-state owned offices.
  + Requires an Agency occupying offices in non-state owned space to obtain approval before undertaking any improvements or modifications.
  + Requires any person or organization to obtain a special use permit before holding a special event in or upon any state building or grounds.
  + Requires an Agency to submit certain forms, meet certain deadlines and provide prior authorization to request office rooms in any state building.
  + Establishes temperature controls, office equipment limitations and animal policy.

2. A copy of the proposed permanent regulations are available on the SPWD website: [www.publicworks.nv.gov](http://www.publicworks.nv.gov).

1. To determine the impact of these amendments on small business, the SPWD sent a questionnaire to all parties on its mailing list and posted the questionnaire at various public locations. The results of the survey were made available at the May 1, 2018 workshop. The results of the survey indicate minimal impact on small business.
2. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately and in each case must include:
3. Both adverse and beneficial effects; and

**R075-18**

Adverse – No adverse effects.

Beneficial – Expands the disabled veteran’s preference.

**R076-18**

Adverse – No adverse effects.

Beneficial- Ensures the State is building to the most current building code requirements.

**R077-18**

Adverse – No adverse effects

Beneficial – Streamlines allocation of office space in both state owned and non-state owned property.

1. Both immediate and long-term effects.

**R075-1**

Reduces costs to the State and Contractors.

**R076-18**

More efficient construction and building functions.

**R077-18**

Reduce waste.

5. SPWD does not estimate any additional costs to enforce the amendments.

6. The proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies.

7. Federal law does not require the proposed regulations.

8. The proposed regulations do not include provisions, which are more stringent than federal, state, or local standards regulating the same activity.

1. The proposed regulations do not provide a new fee and does not increase an existing fee.

Persons wishing to comment upon the proposed action of State Public Works Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to State Public Works Board. Written submissions must be received by the State Public Works Board on or before August 23, 2018. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the State Public Works Board may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at State Public Works Division, 515 E. Musser Street, Suite #102 Carson City, Nevada 89701 and at the State Public Works Division, 2300 McLeod Street, Las Vegas, Nevada 89104, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations (R075-18, R076-18 and R077-18), which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at http://www.leg.state.nv.us. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

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| State Public Works Division  515 E. Musser Street, Suite 102  Carson City, NV 89701 | State Public Works Division  2300 McLeod Street  Las Vegas, Nevada 89104 |
| Blasdel Building  209 E. Musser St.  Carson City, Nevada 89701 | Nevada State Library and Archives  100 Stewart St.  Carson City, Nevada 89701 |

NEVADA COUNTY PUBLIC LIBRARIES

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| Carson City Library  900 North Roop Street  Carson City, Nevada 89702 | Mineral County Public Library  110 1st Street  Hawthorne, Nevada 89415 |
| Churchill County Library  553 South Main Street  Fallon, Nevada 89406 | Pershing County Library  1125 Central Avenue  Lovelock, Nevada 89419 |
| Clark County District Library  833 Las Vegas Boulevard  Las Vegas, Nevada 89101 | Storey County Public Library  North 95 South R Street  Virginia City, Nevada 89440 |
| Douglas County Library  1625 Library Lane  Minden, Nevada 89423 | Tonopah Public Library  167 Central Street  Tonopah, Nevada 89049 |
| Elko County Library  720 Court Street  Elko, Nevada 89801 | Washoe County Library  301 South Center Street  Reno, Nevada 89501 |
| Esmeralda County Library  Corner of Crook & 4th Streets  Goldfield, Nevada 89013 | White Pine County Library  950 Campton Street  Ely, Nevada 89301 |
| Eureka Branch Library  210 South Monroe Street  Eureka, Nevada 89316 | Lander County Library  625 South Broad Street  Battle Mountain, Nevada 89820 |
| Humboldt County Library  85 East 5th Street  Winnemucca, Nevada 89445 | Lyon County Library  20 Nevin Way  Yerington, Nevada 89447 |
| Lincoln County Library  63 Main Street  Pioche, Nevada 89043 |  |

The undersigned affirms that on or before 9:00 a.m. on August 7, 2018, he/she posted a copy of the REVISED Notice of Intent to Act Upon a Regulation/Notice of Hearing for Adoption of Regulation of the State Public Works Board for the September 6, 2018 meeting for the State Public Works Division Public Hearing in accordance with NRS 241.020; said Notice was posted at the following location:

Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date & Time Posted: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name & title (PLEASE PRINT):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Return AFFIDAVIT OF POSTING to:

Nevada State Public Works Division

Attn: Scott Spangler

515 E. Musser Street, Suite 102

Carson City NV 89701-4263

(Phone) 775-684-4103

(Fax) 775-684-4142

[sspangler@admin.nv.gov](mailto:sspangler@admin.nv.gov)