

**PROPOSED REGULATION OF THE
NEVADA HEALTH AUTHORITY**

LCB FILE NO. R009-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 01/15/2026**



Joe Lombardo
Governor

NEVADA HEALTH AUTHORITY

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Stacie Weeks
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Legislative Counsel Bureau
Sent via email to: regulations@lcb.state.nv.us

Dear Legislative Counsel Bureau,

Pursuant to the Nevada Administrative Procedure Act, Nevada Health Authority (NVHA) hereby submits the agency's request for a draft of permanent regulations. Below is a summary of what the agency would like to accomplish through regulation. NVHA hosted a public workshop concerning the summary of the proposed regulations on November 12, 2025.

The request herein is based upon the requirement for NVHA to adopt regulations to carry out its purchasing authority pursuant to Senate Bill 494 (SB494) Section 24.

Authority and Summary from SB494	NVHA Intent and Strategy
SB494, Section 24, Subsection 3: In consultation with the Department of Administration and the Office of the Attorney General, the Authority shall adopt regulations to carry out the provisions of this section. Those regulations must: /// /// /// /// /// /// /// ///	NVHA will provide the drafted regulations to the Department of Administration and the Office of the Attorney General for review and comment prior to adoption.

<p>(a) Establish processes and rules governing any committee established to evaluate proposals;</p>	<p>NVHA intends to follow a similar process as Chapter 333 for evaluating proposals except that it would like clear authority to employ subject matter experts on a contracted basis to serve in an advisory capacity if necessary to support the review of complex and technical components that require such expert support as determined by the Director of NVHA. A non-governmental employee evaluator would need to verify that they have no financial interest in the project prior to participating in either the evaluation or negotiation process. Such authority to employ subject matter experts for advisory purposes should also apply to scope of work and development and overall development of a solicitation.</p>
<p>(b) Require the provision of notice to prospective vendors who submit proposals to provide commodities or services before and after the Authority awards a contract;</p>	<p>Consistent with Chapter 333 except that NVHA may leverage its own website and tools to fulfill notice requirements.</p>
<p>(c) Provide for the confidentiality of information submitted as part of a proposal and any communication between a person who submits a proposal and the Authority or any members of a committee described in paragraph (a);</p>	<p>Consistent with NRS Chapter 333.</p>
<p>(d) Prescribe the procedure for awarding a contract, which may include, without limitation, procedures for:</p> <p>(1) An invitation to bid, a request for proposals, a request for qualifications, a request for information, a request for a quote or any other generally accepted procedures for awarding contracts;</p> <p>(2) Soliciting, bidding and receiving proposals and bids through an Internet website in accordance with paragraph (b) of subsection 2; and</p> <p>(3) Determining the costs of a contract for the purpose of soliciting bids and responses;</p> <p>///</p> <p>///</p> <p>///</p>	<p>NVHA would like authority to issue ongoing guidance regarding its procedures for posting of RFP materials and collecting responses. The Director can implement variations to these procedures where such variations will secure the best value for the state or reduce unnecessary administrative burden on the state or vendors. Such variations must be posted online for at least 30 days for public review and feedback prior to going into effect. The Director shall weigh public comments prior to finalizing such procedures.</p>

<p>(e) Establish preferences for bids or proposals submitted by businesses based in this State, businesses owned and operated by veterans with service-connected disabilities and other entities which are given preferences under chapter 333 of NRS;</p>	<p>Consistent with preferences already established under chapter 333 of NRS.</p>
<p>(f) Establish the duties of persons who are authorized to enter into contracts on behalf of the Authority, which must be consistent with the duties prescribed by NRS 333.337;</p>	<p>Consistent with NRS 333.337.</p>
<p>(g) Prescribe prohibitions consistent with NRS 333.339 against entering into certain contracts;</p>	<p>Consistent with NRS 333.339.</p>
<p>(h) Prescribe procedures for determining and awarding contracts to bidders who will produce results that are high in quality and value;</p>	<p>NVHA intends that the regulations would establish procedures by which the agency can engage in negotiations with Vendors that produce best results for the State. The regulations should provide clear authority for NVHA to begin negotiations in a format consistent with NAC 333.165(2) in which NVHA can request revised proposals in a “best and final offer” style. This style of negotiation may begin prior to notice of award with more than one top scoring vendor if Director determines such negotiations are necessary to secure the best price bid or value for the state. In such cases, vendors may not protest until after notice of award is issued. NVHA also intends to have clear authority to negotiate after a notice of award has been issued.</p>
<p>(i) Procedures consistent with NRS 333.350 for:</p> <ol style="list-style-type: none"> (1) Awarding contracts for separate items or portions or groups of items, or for separate portions of a project; (2) Rejecting all bids or proposals; (3) Withdrawing bids or proposals; and (4) Entering records of bids and proposals; 	<p>Consistent with NRS 333.350.</p>
<p>(j) Penalties consistent with NRS 333.365 for persons who enter into contracts with the Authority and do not perform according to the contract;</p>	<p>Consistent with NRS 333.365.</p>

(k) Procedures for the submission of revised proposals;	Allow NVHA to issue further guidance on procedures for revised proposals if permitted.
(l) Procedures consistent with NRS 333.370 by which a person who makes an unsuccessful bid or proposal may submit an appeal, including, without limitation, requirements that such a person: (1) File a notice of appeal with the Authority and the Hearings Division of the Department of Administration; and (2) Post a bond with good and solvent surety in a form approved by the Director in an amount that is equal to or greater than 25 percent of the amount of the successful bid submitted for the same project;	Consistent with NRS 333.370, however NVHA wishes to insert an additional function into the appeal process through which an aggrieved bidder would first notify NVHA of their intent to appeal, allowing NVHA a period of 10 business days to review the RFP and evaluation results and determine whether to make any adjustments based on issues presented by the bidder, such as reconducting the evaluation. In the event NVHA upholds the intended award(s) despite the aggrieved bidder's intent to appeal, the bidder could then proceed with filing a notice of appeal with the Department of Administration and be granted a hearing in that forum consistent with NRS 333.370.
(m) Procedures consistent with NRS 333.435 for purchasing prescription drugs, pharmaceutical services or medical supplies and related services;	Consistent with NRS 333.435.
(n) Procedures for the awarding of contracts on a contingency basis.	Language should allow NVHA the ability to issue contingent awards that protect the state budget or program integrity or ensure the readiness, capacity, or competency of the vendor prior to finalizing the award. NVHA would ultimately incorporate "termination without cause" language into its contracts, consistent with the current State contract.

Sincerely,

/s/Lauren Driscoll

Lauren Driscoll
Regulatory and Compliance Counsel, Nevada Health Authority