

**PROPOSED REGULATION OF THE
DEPARTMENT OF TRANSPORTATION**

LCB FILE NO. R049-26I

**The following document is the initial draft regulation proposed
by the agency submitted on 03/17/2026**

DRAFT PROPOSED REGULATION OF THE DEPARTMENT OF TRANSPORTATION

The following document contains the initial draft regulation proposed by the Department of Transportation (“Department”) for the Design-Build procurement process pursuant to NRS 408.3875 to 408.3888, inclusive. The Department will solicit comments from the industry on the proposed regulation pursuant to NRS 233B.0608(1) to determine whether the regulation would likely impose a direct and significant economic burden upon a small business or directly restrict the formation, operation, or expansion of a small business. The Department will consider all comments and address the industry’s concern(s), if any.

Purpose: The purpose of this regulation is to describe the process by which the Department will process requests for preliminary proposals and requests for final proposals to select a best value proposer.

Authority: NRS 408.215(4).

Explanation: Material in *blue bold italics* is new language; material in ~~bold brackets~~ is to be omitted from current regulation. All comments received from the small business impact notice will be considered but not all may be addressed. The matters to be addressed will be referenced in this draft as *italics* for revised and matters in brackets ~~omitted material~~ is language to be omitted.

Section 1. *Chapter 408 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.*

Section 2. *Requests for preliminary proposals. (NRS 408.215, 408.3883)*

- 1. The Department may issue Requests for Letters of Interest (RLOI) prior to the advertising of a highway project to gauge potential interest and provide early industry notification of a project to allow prospective design-build teams to begin teaming arrangements, financial arrangements, and preliminary investigative work. The content of the RLOI may include the general project objectives, location, schedule, estimated budget, and scope.*
- 2. The Department shall advertise preliminary proposals for a design-build team in the manner set forth in subsection 1 of NRS 408.3883.*
 - (a) The Requests for preliminary proposals published pursuant to subsection 1 must include the information set forth in subsection 2 of NRS 408.3883;*

- (b) The Department shall maintain at the time and place set forth in the request for preliminary proposals the information contained in subsection 3 of NRS 408.3883 for inspection by a design-build team desiring to submit a proposal for the project;*
- (c) A statement that the proposed form of the contract to design and construct the public work is available for review on the Department's website;*
- (d) A statement as to whether a design-build team that is selected as a finalist pursuant to NRS 408.3885 but is not awarded the design-build contract pursuant to NRS 408.3886 will be partially reimbursed for the cost of preparing a final proposal or best and final offer, or both, and, if so, an estimate of the amount of the partial reimbursement;*
- (e) The amount of reimbursement must not exceed, for each unsuccessful finalist, the reimbursement amount set forth in subsection 6(b) of NRS 408.3886; and*
- (f) Upon issuance of the request for preliminary proposals, the design-build teams may submit questions and requests for clarifications concerning the request for preliminary proposals. The Department shall establish a deadline for submission of questions and requests for clarifications, and it will provide formal responses. The Department may issue addenda to the request for preliminary proposals in response to such questions and requests for clarifications to clarify requirements, correct errors, or provide supplemental information.*

Section 3. Qualifications. (NRS 408.215, 408.3884)

- 1. To qualify to participate in the design and construction of a project for the Department, a design-build team must satisfy the criteria set forth in NRS 408.3884.*

Section 4. Submission of preliminary proposals. (NRS 408.215, 408.3885)

- 1. A proposal submitted in response to a request for preliminary proposals published pursuant to Section 1 must include:*
 - (a) A statement of whether the design-build team is qualified to bid on a highway project of the Department pursuant to NRS 408.3884; and*
 - (b) The information required by subsection 2(b) of NRS 408.3885.*

2. *Before the merits of a preliminary proposal submitted in response to a request for proposals published pursuant to Section 1 are considered, the design-build team must confirm that the design-build team satisfies the criteria set forth in NRS 408.3884 for qualifying to enter into a contract with the Department to design and construct a highway project.*

Section 5. *Procedure for selecting finalists from among design-build teams that submitted preliminary proposals. (NRS 408.215, 408.3885)*

1. *The Department shall appoint a panel consisting of at least three members to rank the preliminary proposals submitted as required pursuant to Section 3. The Department may appoint a committee comprised of Department representatives and advisors who have expertise in the subject matter of the request for preliminary proposals. The panel shall select at least three but not more than five preliminary proposals in accordance with subsection 1 of NRS 408.3885.*
2. *The panel shall select finalists in accordance with the provisions of subsection 2 of NRS 408.3885. The Department may accept the panel's recommendations, reject the panel's recommendations, or request that the panel conduct further analysis and reconsider its respective findings and/or recommendations.*

Section 6. *Requests for final proposals. (NRS 408.215, 408.3886)*

1. *The Department shall provide each finalist selected pursuant to NRS 408.3885 and Section 4 with a request for final proposals that meet the requirements of subsection 1 of NRS 408.3886.*
2. *The Department may elect to issue a draft request for proposals to allow for industry review to provide the Department with valuable feedback to improve the quality of its procurement documents. The draft request for proposals also provides design-build teams an early look and the project's scope and technical details to allow them additional time to develop their proposals.*
3. *Starting with issuance of the final request for proposal, design-build teams may submit questions and request clarifications regarding the final request for proposal. The Department will establish a deadline for submission of questions. Formal Department responses are provided to all shortlisted design-build teams. The Department may issue formal addenda to the final request for proposals in response to design-build team questions to clarify requirements, to correct errors, or to provide supplemental information.*

- 4. The Department shall appoint a proposal selection committee consisting of at least three to rank the final proposals submitted as required pursuant to this Section 6. The Department may appoint a committee comprised of Department representatives and advisors who have technical expertise in the subject matter of the request for final proposals to support the proposal selection committee's evaluation of technical proposals against the final proposal submittal requirements.*
- 5. The proposal selection committee shall score proposals as set forth in Subsection 2 of NRS 408.3886.*
- 6. The Department shall appoint an independent price proposal committee to review the price proposal for balance and calculate each price proposal's score using the following formula: Lowest proposal price submitted by any proposer divided by the proposal price of the proposal being evaluated multiplied by the number of points assigned to the price proposal = Price Score.*
- 7. The Department then combines the price score and the technical proposal score to establish the best value proposer. The Department may accept the recommendation, ask for a reevaluation, reject all proposals, or direct that best and final offers be considered in accordance with subsection 5 of NRS 408.3886.*
- 8. The Department shall consider best and final offers in accordance with subsection 5 of NRS 408.3886.*

Section 7. Award of contract. (NRS 408.215, 408.3886)

A contract awarded pursuant to NRS 408.3886 and Section 5 must comply with subsection 7 of NRS 408.3886.