

**PROPOSED REGULATION OF THE
ADMINISTRATOR OF THE PURCHASING DIVISION
OF THE DEPARTMENT OF ADMINISTRATION**

LCB File No. R080-26

April 20, 2026

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

AUTHORITY: § 1, NRS 333.130 and 333.135.

A REGULATION relating to state purchasing; revising the notice of an award of a state purchasing contract to increase the timeframe to file an appeal with the Purchasing Division of the Department of Administration; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Administrator of the Purchasing Division of the Department of Administration to adopt regulations governing procedures relating to the award of state purchasing contracts. (NRS 333.135) Existing law authorizes a person who makes an unsuccessful bid or proposal to file a notice of appeal with the Division concerning the award of a purchasing contract within 11 days after the date of award as entered on the bid record. (NRS 333.370) Existing regulations require the contact person for the request for proposals to provide to each person who submitted a proposal a written notice of the award of the contract. Existing regulations require such notice to state that the 10-day period to file an appeal has commenced. (NAC 333.170) **Section 1** of this regulation revises the requirements for the notice to increase from 10 days to 11 days the period within which a person may file such an appeal to conform with the requirements set forth in existing law.

Section 1. NAC 333.170 is hereby amended to read as follows:

333.170 1. If the chief of the using agency, the Administrator, or the committee to evaluate proposals selects a proposal for the award of the contract, the person designated by the Administrator or the using agency as the contact person pursuant to NAC 333.155 shall provide

to each person who submitted a proposal a written notice of intent to award the contract. The notice of intent to award the contract must:

(a) Identify the proposal selected for the award of the contract; and

(b) State that the award of the contract is contingent upon the successful negotiation of the final terms of the contract with the person selected for the award of the contract.

2. After the contract has been awarded on a contingency basis, the negotiations of the final terms of the contract are confidential and must not be disclosed to any other person who has submitted a proposal until a final contract is agreed upon.

3. If a final contract is not agreed upon:

(a) The person designated by the Administrator or the using agency as the contact person pursuant to NAC 333.155 shall:

(1) Provide written notice to each person who submitted a proposal; and

(2) Issue a written withdrawal of the award to the person whose proposal was selected for the award of the contract and with whom the chief of the using agency, the Administrator, or the committee to evaluate proposals was unable to agree upon a final contract.

(b) The Administrator will, and the chief of the using agency and the committee to evaluate proposals shall:

(1) Negotiate, in a manner consistent with the provisions of subsection 2, the final terms of the contract with the person who submitted the proposal that received the next highest score;

or

(2) Withdraw the request for proposals.

4. The Administrator will, and the chief of the using agency and the committee to evaluate proposals shall, repeat the procedure set forth in this section until a final contract is agreed upon or the request for proposals is withdrawn.

5. After the contract has been executed by all the appropriate parties, the person designated by the Administrator or the using agency as the contact person pursuant to NAC 333.155 shall provide to each person who submitted a proposal a written notice of the award of the contract.

The notice of the award of the contract must:

(a) Identify the proposal pursuant to which the contract will be awarded provided that, if applicable, the contract is approved by the State Board of Examiners;

(b) State that the ~~10-day~~ *11-day* period after which a person who makes an unsuccessful proposal may file a notice of appeal as set forth in subsection 1 of NRS 333.370 has commenced; and

(c) State that a person who made an unsuccessful proposal may file a notice of appeal pursuant to NRS 333.370.