

LCB File No. R099-99

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

BLANKET AUTHORITY: NRS 333.130(2)

AUTHORITY NRS 333.220(5)

Personal property transferred to another government agency or an entity that is eligible to acquire federal donable surplus property must be retained by the acquiring agency for a minimum of two years to establish unrestricted ownership.

1. If the acquiring agency determines the property is of no further use within the first two years of ownership, the acquiring agency may:

- (1) Transfer the property to another eligible entity,
- (2) Return the property to the State on consignment, or
- (3) Sell the property in accordance with statute.

2. Any monies received for the property, transferred pursuant to section 1, over and above the sales price paid by the acquiring agency will be reverted to the State.

3. Reversion of gross profits from subsequent sales of property remains in force until two years after the original acquisition by the acquiring agency regardless of the number transfers of ownership.

AUTHORITY NRS 333.370(2)

A person filing a notice of appeal may submit a certified check, a cashier's check or bond in an amount equal to 25% of the estimated amount of the bid or proposal.

AUTHORITY ASSEMBLY BILL 588 (signed 5/24/99)

NAC 333.____

1. Except as otherwise provided by law, all contracts for the services described in NRS 284.173 shall:

- (a) Be awarded pursuant to the provisions of this chapter.
- (b) Be solicited in a manner approved by the chief.
- (c) Conform to the form, terms and conditions set forth in the Model Contract Form Book published by the Attorney General.

(d) Include any insurance provisions required by the Risk Management Division.

2. Contracts which by their nature are not adapted to award by competitive selection, including, without limitation, contracts for which there is a sole source, are exempt from award by competitive selection as determined by the chief.

3. Contracts for certain professional services are exempt from award by competitive selection, including, without limitation, contracts for:

- (a) Expert witnesses;
- (b) Registered professional engineers and architects;
- (c) Attorneys;
- (d) Accountants;
- (e) Any other professional service not adapted to award by competitive selection as determined by the chief.

4. Contracts subject to award by competitive selection for which the estimated value exceeds \$25,000 must be solicited through a request for proposals conforming to the request for proposals template set forth in the Model Contract Form Book published by the Attorney General.

NAC 333.____

When issuing a request for proposals, the chief or the using agency shall designate one individual for purposes of addressing questions concerning the procurement. Throughout the duration of the procurement process, the sole contact will be the chief's or using agency's designee. Upon issuance of a request for proposals, other employees and representatives of the agencies identified in the request for proposals will not answer questions or otherwise discuss the contents of the request for proposals with any prospective vendors or their representatives. Failure to observe this restriction may result in disqualification of any subsequent proposal. This restriction does not preclude discussions between affected parties for the purpose of conducting business unrelated to the procurement.

NAC 333.____

In making an award, the state officer or each member of the committee evaluating proposals shall review, consider and consistently score each responsive proposal in accordance with the pre-determined evaluation criteria.

NAC 333.____

Discussions may, at the sole option of the state officer or committee evaluating proposals, be conducted with responsible vendors who submit proposals determined to be reasonably susceptible of being selected for an award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Vendors shall be accorded fair and equal treatment with respect to any opportunity for discussion and written revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing vendors.

NAC 333.____

1. If the state office or committee evaluating proposals selects one or more proposals for contract award, the chief's or using agency's designee shall notify each of the competing vendors in writing through a Notice of Intent to Award. The Notice of Intent to Award shall:

- (a) Identify the proposal or proposals selected for contract award; and
- (b) State that the contract award is contingent upon the successful negotiation of the final terms of the contract with the awarded vendor or vendors.

2. After the contingent award is made, the subsequent negotiations of the final terms of the contract are confidential and must not be disclosed to other competing vendors until a final agreement is reached with the awarded vendor or vendors.

3. If the terms of a contract are not made final in the negotiations conducted pursuant to the provisions of this section:

- (a) The chief's or using agency's designee shall:
 - (1) Notify each of the competing vendors in writing; and
 - (2) Issue a written withdrawal of the award to the vendor with whom the chief or using agency was unable to negotiate a final contract.

- (b) The state officer or committee evaluating proposals shall:
 - (1) Conduct negotiations pursuant to the provisions of this section with the next highest scoring responsible vendor; or
 - (2) Withdraw the request for proposals.

4. Once a contract has been executed by all appropriate parties and submitted for approval by the State Board of Examiners, the chief's or using agency's designee shall notify each of the competing vendors in writing through a Notice of Award. The Notice of Award shall:

- (a) Identify the proposal or proposals to which contracts are awarded pending approval by the State Board of Examiners;
- (b) State that the 10-day appeal period set forth in NRS 333.370(1) has commenced; and
- (c) State that any unsuccessful vendor may file an appeal in strict compliance with NRS 333.370.