

**ADOPTED REGULATION OF THE
STATE PUBLIC WORKS BOARD**

LCB File No. R095-09

Effective October 15, 2010

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

AUTHORITY: §§1 and 2, NRS 341.110 and 393.110.

A REGULATION relating to public works; revising provisions governing the review and approval of the plans for school buildings in certain counties by the State Public Works Board; and providing other matters properly relating thereto.

Section 1. NAC 341.171 is hereby amended to read as follows:

341.171 1. Except as otherwise provided in ~~subsections~~ *subsection 3*, ~~and 4,~~ any plans and specifications for a project that is not part of the approved program for capital improvement which are submitted to the Board for review and approval must be accompanied by the following fees:

(a) A basic fee for inspection services based on the proposed cost of construction of the project in accordance with the following schedule:

Total Construction Cost	Fee
\$1 to \$500	\$23.50
\$501 to \$2,000	\$23.50 for the first \$500 plus \$3.05 for each additional \$100 or fraction thereof, to and including \$2,000.

\$2,001 to \$25,000	\$69.25 for the first \$2,000 plus \$14 for each additional \$1,000 or fraction thereof, to and including \$25,000.
\$25,001 to \$50,000	\$391.25 for the first \$50,000 plus \$10.10 for each additional \$1,000 or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1,000 or fraction thereof, to and including \$100,000.
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000 or fraction thereof, to and including \$500,000.
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each \$1,000 or fraction thereof, to and including \$1,000,000.
\$1,000,001 and up.....	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each \$1,000 or fraction thereof.

(b) Except as otherwise provided in this paragraph, an additional fee for inspection services for each mechanical, electrical and plumbing system of the project in an amount equal to 15 percent of the basic fee for inspection services for each such system. If an application involves only one such system, no additional fee for inspection services is due pursuant to this paragraph.

(c) A fee for the review of the plans and specifications for the project in an amount equal to 65 percent of the total amount of the basic fee for inspection services calculated pursuant to

paragraph (a) and any additional fees for inspection services calculated pursuant to paragraph (b).

2. In addition to the fees calculated for a project pursuant to subsection 1, the Board:

(a) May charge a fee for the following services on an hourly basis at a rate equal to the hourly cost of the Board for:

(1) Inspections outside of normal business hours.

(2) Reinspections.

(3) Inspections for which no fee is specifically indicated.

(4) Additional reviews of plans or specifications required by changes, additions or alterations to the plans or specifications.

(b) Will charge a fee for the use of outside consultants by the Board for inspections of the project in an amount equal to the actual cost to the Board for the outside consultants plus the hourly cost of the Board for obtaining the services of, and overseeing the work of, the outside consultants.

↪ The Board will calculate its hourly costs based on the average amount the Board pays for the position of employment which is applicable to the service being provided, including, without limitation, inspectors, project managers and plan checkers. The hourly costs of the Board will be maintained on file at the Board's offices in Carson City and Las Vegas and will be posted on the Board's website at <http://www.spwb.state.nv.us/>.

3. ~~[The review of plans, designs and specifications for a school building pursuant to NRS 393.110 must be accompanied only by the fee for the review of plans and specifications as set forth in paragraph (c) of subsection 1.~~

~~4.]~~ The Deputy Manager for Compliance and Code Enforcement shall determine, based on the actual costs to the Board, the amount of the fee that must accompany the plans and specifications for a project which will be completed in phases or on an expedited schedule or which has unique or unusual requirements.

Sec. 2. NAC 341.113 is hereby repealed.

TEXT OF REPEALED SECTION

341.113 Plans for construction of school buildings. (NRS 341.110, 393.110)

1. The Board will not approve plans for a new school building or any addition to or alteration of an existing school building which involves structural systems, or exiting, sanitary or fire protection facilities unless the design complies with the requirements of:

- (a) The State Fire Marshal;
- (b) The State Board of Education;
- (c) The building codes adopted by reference by the Board pursuant to NAC 341.045; and
- (d) All applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§

12101, et seq., and any regulations adopted pursuant thereto.

2. If standard plans are to be used pursuant to NRS 385.125, the Board's approval is required:

- (a) For the work of adaptation to the applicable site; and

(b) To ensure compliance with any provisions of the code which were revised after the Board's initial approval of the standard plans.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R095-09**

The State Public Works Board adopted regulations assigned LCB File No. R095-09 which pertain to chapter 341 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

State Public Works Board solicited public comment through notices posted at State Public Works Board in Carson City and Las Vegas, the Blasdel Building, Nevada State Library, Archives in Carson City and at the Nevada County Public Libraries and mailings to our contact database.

Date of Notice	Workshop/ Hearing	Date of Workshop
1/8/10	Workshop	1/26/10
6/22/10	Hearing	7/29/10

Many oral and nine written comments were received at the workshop and hearings. A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Board at (775) 684-4141 or by writing to the State Public Works Board, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWB at dnenzel@spwb.state.nv.us.

2. The number of persons who:

	1/26/10	7/29/10
(a) Attended each hearing:	8	28
(b) Testified at each hearing:	0	0
(c) Submitted written comments:	0	0

3. A description of how comment was solicited from businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from the affected and interested contractor, unions and municipalities, by notices posted at State Public Works Board offices in Carson City and Las Vegas, Nevada State Library, and at the main public libraries in all the counties.

A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Board at (775) 684-4141 or by writing to the State Public Works Board, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWB at dnenzel@spwb.state.nv.us.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

NAC 341 was adopted by the board with no objections.

5. **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 each case must include:**

- (a) **Both adverse and beneficial effects; and**

This regulation should have no adverse effects on contractors. The beneficial effects would eliminate duplicating efforts.

- (b) **Both immediate and long-term effects.**

This regulation would eliminate redundancy between State Public Works and Clark County School District.

6. **The estimated cost to the agency for enforcement of the adopted regulation:**

SPWB does not estimate any cost to enforce the amendments

7. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

Federal Law does not require the proposed regulation.

8. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Federal Law does not require the proposed regulation.

9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

Does not apply

10. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

No. Small business impact questionnaires were distributed to everyone in the qualification data base plus contractor's associations, other State Agencies and the proper postings.