

**LCB File No. R097-09**

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

AB 223, Sections 18 to 25 of this bill establish a limited preference in bidding on public works for local businesses owned by service disabled veterans. The new preference is limited to public works for which the estimated cost is \$100,000 or less.

**Proposed NAC Language**

*Award of contract \$100,000 or less; bidders preference; eligibility to receive preference; application.*

*1. For purposes of awarding a contract for a public work of this State for which the estimated cost is \$100,000 or less, as governed by NRS 338.13862, if a local business owned by a service-disabled veteran submits a bid, the bid shall be deemed to be 5 percent lower than the bid actually submitted.*

*2. To be eligible to receive the preference the business must:*

*(a) Submit an application to the Manager on the form prescribed and provided by the Board and indicate therein their intent to apply for the preference.*

*(b) Certify in writing on a form prescribed and provided by that Board that they are a local business owned by a service-disabled veteran.*

*(1) Include documentation confirming:*

*(i) Their percentage of disability as determined by the Department of Veteran Affairs;*

*(ii) Their ownership interest of at least 51 percent;*

*(iii) Organized to engage in commercial transactions;*

*(iv) Managed and operated on a day-to-day basis by one or more service-disabled veterans; and*

*(v) Is a local business employing at least one person in this State for not fewer than 2 years.*

*3. If the State Public Works determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for this preference, the busing is thereafter permanently prohibited from:*

*(a) Applying for or receiving this preference; and*

*(b) Bidding on a contract for a public work of this State.*

*4. If the State Public Works determines that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for this preference, the business may apply to the Manager to review the decision pursuant to chapter 233B of the NRS.*

*5. The State Public Works Board will maintain a list of contractor's that are eligible to receive the 5% preference for Service-disabled Veterans as verified by the Qualification of Bidders administrator. This list will be posted on the SPWB web site to be utilized by the Purchasing Department, the Commission on Economic Development and groups representing the interests of veterans of the Armed Forces of the United States.*