

PROPOSED REGULATION OF THE STATE PUBLIC WORKS BOARD

LCB File No. R098-11

Outline

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1. Criteria for CMAR qualification for public work

1. To qualify to enter into a contract with the State Public Works Division for preconstruction services and to construct a public work, a construction manager at risk must:

- (a) Be qualified to bid on a public work of the State pursuant to NRS 338.1379.*
- (b) Be licensed as a contractor pursuant to chapter 624 of NRS; and*
- (c) Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals; and*
- (d) Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.*

2. Advertisement/Request for Proposals

1. The Administrator shall publish request for proposal for construction manager at risk in a newspaper in the locale of the work for each project.

2. The following information must be included in the request for proposal:

- (a) A description of the public work;*
- (b) An estimate of the cost of construction;*
- (c) A description of the work;*
- (d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;*
- (e) The date by which proposals must be submitted to the public body;*
- (f) Confirmation that any construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a proposal ;*
- (g) The name, title, address and telephone number of a person that the applicant may contact for further information;*

- (h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications proposals; and*
- (i) Notice that the proposed form of the contract for preconstruction and construction is available for review on the State Public Works Division's website.*

3. *Minimum requirements for consideration of CMAR Proposals*

- 1. *Before the merits of any CMAR proposal will be considered; the applicant must confirm:***
 - (a) He or she is qualified to bid on a public work of the State pursuant to NRS 338.1379;*
 - (b) The CMAR is licensed pursuant to chapter 624 of the NRS;*
 - (c) Has not been disqualified from being awarded a contract pursuant to NRS 338.017;*
 - (d) Has not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals.*

4. *Requirements CMAR Proposal; pertinent documentation and information*

- 1. *The CMAR's Proposal must include the following information:***
 - (a) *An initial statement of whether the applicant has been:***
 - (1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for proposals;*
 - (2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;*
 - (3) Qualified to bid on a public work of the State pursuant to NRS 338.1379; and*
 - (4) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS.*
 - (b) *An explanation of the experience that the applicant has with projects of similar size and scope in both the public and private sectors, including, without limitation, an explanation of the experience that the applicant has in assisting in the design of such projects and an explanation of the experience that the applicant has in such projects in Nevada;***
 - (c) *The contact information for references having knowledge of the background, character and technical competence of the applicant;***
 - (d) *The applicant's preliminary proposal for managing the preconstruction and construction of the public work;***
 - (e) *Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;***
 - (f) *Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law;***
 - (g) *The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;***
 - (h) *The safety programs established and the safety records accumulated by the applicant;***
 - (i) *The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and***

5. Action on CMAR Proposal/Short List

- 1. The Administrator shall appoint a panel consisting of at least 3 members, at least two of whom must have experience in the construction industry to rank the proposals submitted to the Division by evaluating the proposals as required pursuant to subsections 2 and 3.*
- 2. The panel shall rank the proposals by:*
 - (a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and*
 - (b) Evaluating and assigning a score to each of the proposals received by the Administrator based on the factors and relative weight assigned to each factor that the Administrator specified in the request for proposals.*
- 3. When ranking the proposals, the panel shall assign a relative weight of 5 percent to the possession of a certificate of eligibility and the affidavit to receive a preference in bidding on public works.*
- 4. After the panel ranks the proposals, the Administrator shall:*
 - (a) Select at least the two but not more than the five applicants for an interview.*
 - (b) Notify applicants that they have been shortlisted for an interview; and*
 - (c) Request that the shortlisted applicant submit a fee proposal for the cost of managing the preconstruction and construction of the public work.*

6. Action on CMAR/Interview

- 1. The Administrator shall appoint a new panel consisting of at least 3 members, at least two of whom must have experience in the construction industry to interview the short listed applicants. Individuals on the short list panel cannot serve on the interview panel. Scores from the short list panel may not be considered. The panel shall rank the interviews by:*
 - (a) Evaluating and assigning a score to each of the applicants interviewed based upon the factors and relative weight assigned to each factor that the Administrator specified in the request for proposal. If the applicant qualifies for and wants the 5% bidders' preference to be considered in the ranking of the interviews; he or she must submit the preference and the affidavit for consideration by the interview panel. When ranking the applicants for interview; the panel shall assign a relative weight of 5 percent for the possession of the certificate of eligibility and the affidavit.*
 - (1) The fee submitted by the applicant will not be disclosed to the interview panel until after the interviews are completed and each applicant has been scored;*
 - (2) After the initial scoring is complete the fees will be disclosed to the interview panel and the fee will then be considered and scored as follows:*
 - (a) The panel may not assign more than 20 percent of the scoring in the evaluation of the fee; and*
 - (b) The score given for the proposed amount of compensation will be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.*
- 2. If applicable the 5 points assigned for possession of the certificate of eligibility and affidavit may only be added to the applicant's score after all other scoring is complete.*
- 3. The Administrator shall make available to all applicants and the public the final rankings of the applicants and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.*

4. *If the Administrator did not receive at least two proposals from applicants that the short list panel determined to be qualified pursuant to NRS 338.1691 the Division may not contract with a construction manager at risk.*