

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

LCB File No. R103-11

December 13, 2011

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

AUTHORITY: §§1-3, NRS 341.070.

A REGULATION relating to public works; removing construction managers at risk from the process for selecting professional consultants for certain projects; and providing other matters properly relating thereto.

Section 1. NAC 341.136 is hereby amended to read as follows:

341.136 1. The Manager shall appoint a committee to:

(a) Review applications received by the Board for retention by the Board in a position on a project of the Board as an architect, engineer, ~~construction manager at risk,~~ construction manager or other professional consultant who will assist in a project with an estimated cost for those services of over \$250,000; and

(b) Create a list of not more than five applicants for each position of architect, engineer, ~~construction manager at risk,~~ construction manager or other professional consultant who will assist in a project with an estimated cost for those services of over \$250,000 that the Board wishes to retain.

2. The committee appointed pursuant to subsection 1 must consist of two members who are employed by the Board and one member who is employed by the agency for which the project is to be designed or constructed.

3. After a committee appointed pursuant to subsection 1 creates a list of applicants, the Manager shall appoint another committee to interview the applicants included on the list and to recommend to the Manager an applicant for selection. The committee appointed pursuant to this subsection must:

(a) Consist of three members who are employed by the Board and two members who are employed by the agency for which the project is to be designed or constructed.

(b) Not consist of any members of the committee appointed pursuant to subsection 1.

4. The committees appointed pursuant to subsections 1 and 3 shall consider the Board's experience with the architect, engineer, ~~construction manager at risk,~~ construction manager or other professional consultant on previous projects of the Board when creating a list of applicants and making a recommendation to the Manager.

5. After reviewing the findings of the committees appointed pursuant to subsections 1 and 3, the Manager shall make a final recommendation to the Board for the selection of the applicant.

Sec. 2. NAC 341.141 is hereby amended to read as follows:

341.141 In determining whether to select an architect, engineer, ~~construction manager at risk,~~ construction manager or other professional consultant for a project without complying with the provisions of NAC 341.136, the Board and the Manager may consider whether the person possesses:

1. Experience with the same or a similar project;
2. Specialized technical knowledge or experience relevant to the project;
3. The copyright to a certain design or prototype relevant to the project;
4. Such experience or expertise as is necessary to complete the project in a more timely manner than other professionals;

5. A history of work experience and performance on other projects of the Board that is acceptable to the Board and the Manager; or

6. Any other factor that the Board determines is relevant to the health, safety or welfare of the public.

Sec. 3. NAC 341.151 is hereby amended to read as follows:

341.151 If the Chair determines that an emergency which results from a natural or man-made disaster and which threatens the health, safety or welfare of the public exists, the Manager may, without the prior approval of the Board, award a contract to meet the emergency to:

1. An architect, engineer, ~~construction manager at risk,~~ construction manager or other professional consultant without complying with the provisions of NAC 341.136.

2. A contractor who is licensed pursuant to chapter 624 of NRS without complying with the provisions of this chapter, chapter 338 of NAC and chapters 338 and 341 of NRS governing the selection of contractors.