

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

LCB File No. R105-11

December 6, 2011

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

AUTHORITY: §§1-8, NRS 341.070, 341.091 and 341.110.

A REGULATION relating to public works; revising provisions relating to the incorporation of green building design measures in projects for the construction or remodeling of certain state buildings; and providing other matters properly relating thereto.

Section 1. NAC 341.326 is hereby amended to read as follows:

341.326 “Project manager” means a person who holds a certificate of registration to engage in the practice of architecture pursuant to chapter 623 of NRS *or who is licensed as a professional engineer pursuant to chapter 625 of NRS* and who is employed by the Board to provide design services for a project.

Sec. 2. NAC 341.346 is hereby amended to read as follows:

341.346 1. The ~~[Manager]~~ *Administrator* shall review the preliminary plans, designs and detailed plans and specifications of a project to ensure that the project will achieve:

(a) Efficiency in the use of energy that meets or exceeds the standards for the efficient use of energy established by:

(1) ANSI/ASHRAE Standard ~~[90.1-2007,]~~ *90.1-2010, Energy Standard for Buildings Except Low-Rise Residential Buildings*, as adopted by reference pursuant to NAC 341.045; and

(2) The United States Environmental Protection Agency pursuant to the Energy Star Program; and

(b) Efficiency in the use of water for plumbing fixtures and landscape irrigation that is at least 10 percent more efficient than the standards for the efficient use of water established by the United States Environmental Protection Agency pursuant to the ~~[WaterSense program.]~~ *Energy Policy Act of 1992, Public Law 102-486.*

2. If the project is the remodeling of a building, the requirements of subsection 1 apply only to the use of energy or water in the remodeled portion of the building.

Sec. 3. NAC 341.351 is hereby amended to read as follows:

341.351 1. The preliminary plans of a project submitted to the ~~[Manager]~~ *Administrator* by a design consultant or project manager must be accompanied by a report that identifies each green building design measure that could reasonably be incorporated into the ~~[designs]~~ *design* of the project to ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346. For each such measure, the report must include, without limitation:

(a) A brief description of how the green building design measure is intended to contribute to the efficient use of energy or water in the project.

(b) The estimated dollar value of the savings in energy or water that are attributable to the green building design measure during its estimated useful life. The estimates must be supported by appropriate documentation.

(c) A life cycle cost analysis of the green building design measure. The life cycle cost analysis must be performed in a manner prescribed by the ~~[Manager]~~ *Administrator* and include, without limitation, the calculation of the simple payback period of the green building design measure.

2. The report must include a study evaluating the feasibility of including a source of renewable energy in the project.

Sec. 4. NAC 341.356 is hereby amended to read as follows:

341.356 The ~~[Manager]~~ *Administrator* shall review the preliminary plans of a project and the accompanying report submitted pursuant to NAC 341.351 and determine the green building design measures that must be incorporated into the ~~[designs]~~ *design* of the project to ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346. In reaching this determination, the ~~[Manager]~~ *Administrator* shall consider, in addition to the information provided by the design consultant or project manager pursuant to NAC 341.351:

1. The initial cost of the green building design measure in relation to the budget for the project set forth in the State's capital improvement program.
2. The simple payback period of the green building design measure. The simple payback period must not be longer than 10 years, unless the ~~[Manager]~~ *Administrator* determines that the use of a longer period is in the best interests of the State.
3. Any other information that the ~~[Manager]~~ *Administrator* considers to be relevant to the determination.

Sec. 5. NAC 341.361 is hereby amended to read as follows:

341.361 1. The design consultant or project manager of a project shall incorporate into the ~~[designs]~~ *design* of a project each green building design measure that the ~~[Manager]~~ *Administrator* has determined must be incorporated into ~~[those designs]~~ *the design* pursuant to NAC 341.356.

2. The ~~[designs]~~ *design* of a project submitted to the ~~[Manager]~~ *Administrator* by a design consultant or project manager must be accompanied by a summary report that identifies each green building design measure that has been incorporated into the ~~[designs]~~ *design* of the project

and includes the information concerning the green building design measure required pursuant to NAC 341.351.

Sec. 6. NAC 341.366 is hereby amended to read as follows:

341.366 1. Before approving the ~~designs~~ *design* of a project submitted by a design consultant or project manager, the ~~Manager~~ *Administrator* shall retain or employ a person with competence and expertise equal to that of the design consultant or project manager to conduct a review of ~~those designs~~ *the design*.

2. A person who conducts the review of the ~~designs~~ *design* of a project pursuant to subsection 1 shall:

(a) Express his or her professional opinion regarding whether the ~~designs~~ *design* of the project ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346.

(b) Submit his or her opinion directly to the ~~Manager~~ *Administrator*.

Sec. 7. NAC 341.371 is hereby amended to read as follows:

341.371 Before approving the final payment to a design consultant ~~or project manager~~ for the preparation of the detailed plans and specifications of a project, the ~~Manager~~ *Administrator* shall confirm that the detailed plans and specifications of the project ensure that the project will achieve the efficiencies in the use of energy and water set forth in NAC 341.346.

Sec. 8. NAC 341.376 is hereby amended to read as follows:

341.376 1. A contractor who is awarded a contract for the construction of a project shall:

(a) Recycle or cause to be recycled not less than 50 percent by weight *or volume* of the total amount of solid waste generated by the construction of the project, including, without limitation, any associated demolition.

(b) Submit to the ~~[Manager]~~ *Administrator* a waste management plan for complying with the requirements of paragraph (a). The waste management plan must be in a form prescribed by the ~~[Manager]~~ *Administrator* and include, without limitation, provisions concerning the storage, collection, recycling and disposal of all solid waste generated by the construction of the project, including, without limitation, any associated demolition.

(c) Submit to the ~~[Manager]~~ *Administrator* with each progress bill or retainage bill a waste management report documenting the contractor's adherence to the waste management plan and measuring the contractor's progress toward compliance with the requirements of paragraph (a).

2. The provisions of subsection 1 must be included in:

(a) The plans and specifications of the project submitted by a design consultant or project manager to the ~~[Manager]~~ *Administrator* for approval;

(b) The plans and specifications of a project approved by the ~~[Manager]~~ *Administrator* and made available to bidders on the contract for the project pursuant to NRS 338.1385; and

(c) The contract between the Board and the contractor for the project.

3. As used in this section:

(a) "Progress bill" has the meaning ascribed to it in NRS 338.415.

(b) "Retainage bill" has the meaning ascribed to it in NRS 338.430.