

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

**LCB File No. R063-12**

Effective September 14, 2012

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

AUTHORITY: §1, NRS 341.070, 341.110, 341.145 and 341.148.

A REGULATION relating to public works; revising provisions relating to access to plans and specifications for bidding on certain public works; and providing other matters properly relating thereto.

**Section 1.** NAC 341.075 is hereby amended to read as follows:

341.075 1. The Administrator shall publish an invitation to bid in a newspaper in the locale of the work for each project with an estimated construction cost of \$100,000 or more. To indicate the approximate size of the project, the Administrator must include the estimated cost of the construction in the invitation.

2. The Administrator shall provide ~~[adequate quantities of]~~ *access to* plans and specifications for bidding . ~~[on the following basis:~~

~~—(a) To licensed general contractors and, when necessary, to major subcontractors. A deposit is required in an amount to be established by the Administrator based on the cost of reproduction, binding and handling, and rounded upward to the nearest \$10. The Administrator shall refund deposits upon the return of contract documents in a satisfactory condition. The Administrator shall deposit money so received with the State Treasurer for credit to the account for the project or, if there is no such account, with the State Treasurer to hold for a possible refund.~~

~~—(b) To other subcontractors upon the nonrefundable payment of the actual cost of reproduction and binding. The Administrator shall deposit money so received with the State Treasurer in the account for the project.~~

~~—(c) To selected building exchanges at no cost.~~

~~—3. In the issuance of plans and specifications on the basis specified in subsection 2, the Administrator shall give preference to licensed general contractors desiring to bid on the project. The Administrator may limit the number of sets provided to any one person or organization.]~~

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R063-12**

The State Public Works Board adopted regulations assigned LCB File No. R063-12, 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.

<u>Date of Notice</u>	<u>Workshop/ Hearing</u>	<u>Date of Workshop</u>
4/13/12	Workshop	5/15/12
6/14/12	Hearing	7/17/12

There were no written comments received at the workshop and hearings. Comments at the workshop were general in nature and not particularly related to the regulation. No one commented on the regulation at the Adoption hearing. A copy of the audio taped comments or the record of the proceedings may be obtained by calling State Public Works Division at (775) 684-4141 or by writing to the State Public Works Division, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWD at [hfatzer@admin.nv.gov](mailto:hfatzer@admin.nv.gov)

**2. The number of persons who:**

	5/15/12	7/17/12
(a) Attended each hearing:	2	1
(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 Division at (775) 684-4141 or by writing to the State Public Works Division, 515 East Musser, Room 102, Carson City, NV 89701, or by e-mailing the SPWD at [hfatzer@admin.nv.gov](mailto:hfatzer@admin.nv.gov)

- 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.**

Not applicable. Regulation was adopted with changes.

- 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**

Adverse - No adverse affects.

Beneficial – Reduces printing costs to the State and duplication costs to the Contractors.

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

Allows the SPWD to make plans available through the internet for distribution to contractors and plan rooms.

- 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.**

None

- 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.**

N/A

- 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?**

Small business impact questionnaires were distributed to everyone in the qualification data base plus contractor's associations, other State Agencies and the proper postings.