

## LCB File No. R134-06

### PROPOSED REGULATION OF THE STATE PUBLIC WORKS BOARD

#### Notice of Workshop to Solicit Comments on Proposed Regulation

The Nevada State Public Works Board (“SPWB”), 515 East Musser Street, Room 102, Carson City, Nevada (775) 684-4141, is proposing the adoption and amendment of regulations pertaining to chapter 333 of the Nevada Administrative Code. A workshop has been set for July 7, 2006 at 9:00 a.m. The workshop will be held as a videoconference between northern and southern Nevada at: North, Legislative Building, 401 S. Carson Street, Room 2134, Carson City, NV 89701 and South, Grant Sawyer Building, 555 East Washington Street, Room 4401, Las Vegas, NV 89101. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

**A draft of the proposed changes to NAC chapter 333 may be obtained as further set forth in this document. The proposed changes relate generally to:**

**a. Setting forth criteria to determine those companies that satisfy the requirements of qualified service companies interested in performance contracting (i.e. energy retrofitting) with the State of Nevada.**

A copy of all materials relating to the proposal may be obtained at the workshop, on our website which is: <http://spwb.state.nv.us/> or by contacting the SPWB Deputy Manager Evan Dale, 515 East Musser Street, Room 102, Carson City, Nevada (775) 684-4141. A reasonable fee for copying may be charged.

The SPWB is also seeking written comments to be received prior to the scheduled workshop. In seeking written comments, the SPWB is complying with the requirements of NRS 233B.0608 and NRS 233B.0609 which is available on the Internet at [www.leg.state.nv.us](http://www.leg.state.nv.us). Copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. The SPWB is generally looking for how the proposed adoptions and amendments will economically impact small businesses, or impact the formation, operation or expansion of a business. The SPWB will consider comments to reduce impacts on small businesses.

Written comments should be sent to SPWB Deputy Manager Evan Dale, 515 East Musser Street, Room 102, Carson City, Nevada 89701. So that the SPWB can have adequate time to review your written comments, and to prepare the required small business impact statement, those written comments must arrive by June 26, 2006.

This notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations:

Carson City Library  
900 N. Roop St.  
Carson City, NV 89701

Las Vegas Library  
833 Las Vegas Blvd. North  
Las Vegas, NV 89101

Goldfield Public Library  
P.O. Box 430  
(Fourth & Crook St.)  
Goldfield, NV 89013

Lincoln County Library  
P.O. Box 330  
93 Main St.  
Pioche, NV 89043

Pershing County Library  
P.O. Box 781  
1125 Central Ave.  
Lovelock, NV 89419

White Pine County Library  
950 Campton St.  
Ely, NV 89301

State Public Works Board  
1830 E. Sahara, Ste 204  
Las Vegas, NV 89104

Blasdel Building  
209 E. Musser St.  
Carson City, NV 89701

Mineral County Library  
P.O. Box 1390  
(First & A St.)  
Hawthorne, NV 89415

Douglas County Library  
P.O. Box 337  
1625 Library Ln.  
Minden, NV 89423

Eureka Branch Library  
P.O. Box 293  
10190 Monroe St.  
Eureka, NV 89316

Lyon County Library  
20 Nevin way  
Yerington, NV 89447

Storey County Library  
P.O. Box 14  
95 South R St.  
Virginia City, NV 89440

Battle Mountain Branch  
Library  
P.O. Box 141  
Battle Mountain, NV 89820

Legislative Counsel Building  
401 S. Carson St  
Carson City, NV 89701

Nevada State Library &  
Archives, Capitol Complex  
Carson City, NV 89701

Churchill County Library  
553 S. Maine St.  
Fallon, NV 89406

Elko County Library  
720 Court St.  
Elko, NV 89801

Humboldt County Library  
85 E. 5th St..  
Winnemucca, NV 89445

Tonopah Public Library  
P.O. Box 449  
171 Central St.  
Tonopah, NV 89049

Washoe County Library  
P.O. Box 2151  
301 South Center  
Reno, NV 89505

Grant Sawyer Building  
555 E. Washington St.  
Las Vegas, NV 89101

**NOTICE OF INTENT TO ACT UPON A REGULATION**  
**Notice of Hearing for the Amendment**  
**of Regulations of the**  
**Nevada State Public Works Board**

The Nevada State Public Works Board (SPWB) will hold a public hearing at 9:00 am, on July 7, 2006 at the Legislative Building, 401 S Carson Street, Room 2134, Carson City, NV 89701 and at the Grant Sawyer Building, 555 E Washington Street, Room 4401, Las Vegas, NV 89101. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to chapter 333A of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of the NRS 233B.0603:

1. The SPWB is proposing these amendments to comply with the requirements of NRS 333A.080.
2. The proposed regulation involves establishing criteria for performance contracting (i.e. energy retrofitting) with the State of Nevada.
3. The proposed regulation should have a positive impact on small businesses by providing the opportunity to perform energy retrofit projects to the State of Nevada. The proposed regulations should benefit small businesses by ensuring that only qualified contractors engage in energy retrofit projects.
4. The estimated cost to the SPWB will vary depending on the number of contractors seeking qualification through the State Public Works Board. At this juncture, the State Public Works Board believes that increased costs for administration and/or enforcement could amount to \$25,000 per year based upon the number of applicants.
5. The proposed regulations do not overlap or duplicate the regulations of other state or local governmental agencies.
6. Federal law does not require the proposed regulation.
7. The proposed regulations do not include provisions, which are more stringent than federal, state, or local standards regulating the same activity.
8. The proposed regulation does not provide a new fee and does not increase an existing fee.
9. Persons wishing to comment upon the proposed action of the SPWB may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to Nevada State Public Works Board, 515 E. Musser St., Room 102, Carson City, NV 89701. Written submissions must be received by the SPWB on or before June 26, 2006. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SPWB may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public. A copy of this notice and the regulation to be Amended will be available at the Nevada State Public Works Board, 515 E. Musser St., Room 102, Carson City, NV 89701 and Nevada State Public Works Board, 1830 E. Sahara, Ste 204, Las Vegas, NV 89104 and on the State Public Works Board WEB site at [www.spwb.state.nv.us](http://www.spwb.state.nv.us) and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following location:

Carson City Library  
900 N. Roop St.  
Carson City, NV 89701

Mineral County Library  
P.O. Box 1390  
(First & A St.)  
Hawthorne, NV 89415

Churchill County Library  
553 S. Maine St.  
Fallon, NV 89406

Las Vegas Library  
833 Las Vegas Blvd. North  
Las Vegas, NV 89101

Douglas County Library  
P.O. Box 337  
1625 Library Ln.  
Minden, NV 89423

Elko County Library  
720 Court St.  
Elko, NV 89801

Goldfield Public Library  
P.O. Box 430  
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Goldfield, NV 89013

Eureka Branch Library  
P.O. Box 293  
10190 Monroe St.  
Eureka, NV 89316

Humboldt County Library  
85 E. 5th St..  
Winnemucca, NV 89445

Lincoln County Library  
P.O. Box 330  
93 Main St.  
Pioche, NV 89043

Lyon County Library  
20 Nevin way  
Yerington, NV 89447

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Lovelock, NV 89419

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P.O. Box 14  
95 South R St.  
Virginia City, NV 89440

Washoe County Library  
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Carson City, NV 89701

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555 E. Washington St.  
Las Vegas, NV 89101

**LCB File No. R134-06**

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

**PROPOSED REGULATIONS FOR INCLUSION IN NAC 333A FOR DETERMINATION OF  
QUALIFIED SERVICE COMPANIES**

ABSTRACT: The following are the proposed regulations required pursuant to NRS 333A.080 (3) which states that: “The State Public Works Board shall adopt, by regulation, criteria to determine those companies that satisfy the requirements of qualified service companies.”

A. Performance Contracting (Energy Retrofit Projects) NRS 333A.080, et seq.

**Section 1** *Definitions as used in Section 1 to Section 6, inclusive, unless the context otherwise requires, the words and terms defined have the following meanings:*

*1. “Applicant” means a contractor licensed pursuant to NRS chapter 624 who files an application to become a qualified service company with the State Public Works Board*

*2. “Manager” means the manager of the State Public Works Board appointed pursuant to NRS 341.100.*

*3. Qualified Service Company List means a list of qualified service companies as determined by the Manager in consultation with the staffs of the Office of Energy within the Office of the Governor, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division of the Department of Administration that may be used by the Purchasing Division and using agencies to enter into performance contracts.*

*4. “Performance contract” shall have the meaning ascribed to it in NRS 333A.050.*

*5. “Qualified service company” shall have the meaning ascribed to it in NRS 333A.060 and shall be a contractor licensed pursuant to NRS chapter 624.*

**Sec. 2.**

**To be eligible for consideration as a qualified service company, a person must :**

**1. Submit an application to the Manager on a form prescribed and provided by the Board;**

*The criteria which shall be used by the State Public Works Board for determining whether an applicant meets the requirements of a qualified service company as set forth in NRS 333A.080 shall be evaluated by the Manager and are as follows:*

- 1. Design and Engineering;*
- 2. Installation;*
- 3. Maintenance and repairs associated with performance contracts;*
- 4. Experience in conversions to different sources of energy or fuel and other services related to operating cost-savings measures provided that is done in association with a comprehensive energy, waster or waste disposal cost-savings retrofit;*
- 5. Monitoring projects after they are installed, data collection and reporting of savings;*
- 6. Overall project experience and qualifications and management capability;*
- 7. Ability to access long term financing;*
- 8. Experience with projects of similar size and scope; and*
- 9. Qualification as a bidder pursuant to NRS 338.1375.*
- 10. Such other factors determined by the State Public Works Board to be relevant and appropriate to the ability of a company to perform the projects.*

*Sec. 3. Each criteria point shall be subject to the greater of the firm's experience or the individual employees of the firm's experience currently with the firm.*

*Sec. 4. The weighting factors for each criteria item shall be at the discretion of the Manager in consultation with the staffs of the Office of Energy within the Office of the Governor, the Buildings and Grounds Division of the Department of Administration and the Purchasing Division of the Department of Administration. However, the weight factors shall be determined prior to the issuance of a request for qualification.*

*Sec. 5. Considering that the State Public Works Board is required to evaluate contractors based on their "experience with projects of similar size and scope;"*

*1. Three cost categories have been developed for the evaluation. Firms can apply for qualification in one of the following three categories:*

- (a) Up to \$1 million;*

- (b) From \$1 million to \$5 million, and*
- (c) Over \$5 million.*

**Sec. 6.** *If a request for qualification is issued pursuant to NRS 333A.080 for potential qualified service companies, it shall set forth the notice, hearing and appeal process if an application is denied.*