

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

LCB File No. R134-06

June 28, 2006

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

AUTHORITY: §§1-14, NRS 333A.080.

A REGULATION relating to purchasing; prescribing the process for submission and review of applications for placement on the list of companies qualified to contract to perform operating cost-savings measures; and providing other matters properly relating thereto.

Section 1. Chapter 333A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Applicant” means a contractor licensed pursuant to chapter 624 of NRS who files an application to become a qualified service company with the Board.*

Sec. 4. *“Board” means the State Public Works Board.*

Sec. 5. *“Manager” means the Manager of the Board appointed pursuant to NRS 341.100.*

Sec. 6. *“Performance contract” has the meaning ascribed to it in NRS 333A.050.*

Sec. 7. *“Qualified service company” has the meaning ascribed to it in NRS 333A.060.*

Sec. 8. *“Qualified service company list” means the list of qualified service companies compiled by the Board pursuant to NRS 333A.080 for use by the Purchasing Division of the*

Department of Administration and using agencies interested in entering into performance contracts.

Sec. 9. *“Using agency” has the meaning ascribed to it in NRS 333A.070.*

Sec. 10. *Each applicant who desires to be placed on the qualified service company list must:*

1. Be licensed as a contractor pursuant to chapter 624 of NRS and qualified as a bidder pursuant to NRS 338.1379; and

2. Submit an application to the Manager on a form prescribed by the Board.

Sec. 11. *Each applicant must indicate the dollar amount of the performance contracts for which the applicant desires to be placed on the qualified service company list in one or more of the following categories:*

1. Less than \$1,000,000;

2. One million dollars to \$5,000,000; and

3. More than \$5,000,000.

Sec. 12. *As set forth in NRS 333A.080, the Board will use the following criteria for evaluation in determining whether an applicant meets the requirements of a qualified service company:*

1. Design;

2. Engineering;

3. Installation;

4. Maintenance and repairs associated with performance contracts;

5. *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, water or waste disposal cost-savings retrofit;*
6. *Monitoring projects after the projects are installed;*
7. *Data collection and reporting of savings;*
8. *Overall project experience and qualifications;*
9. *Management capability;*
10. *Ability to access long-term financing;*
11. *Experience with projects of similar size and scope; and*
12. *Such other factors determined by the Board to be relevant and appropriate to the ability of a company to perform the projects.*

Sec. 13. *1. 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, the Manager may use his discretion in determining how much weight each criterion set forth in section 12 of this regulation will be given in evaluating an application. The weight of each criterion must be determined before the Board issues a request for qualifications pursuant to NRS 333A.080.*

2. For each criterion set forth in section 12 of this regulation, an application will be evaluated based upon the experience of the company seeking placement on the qualified service company list or the combined experience of the employees of the company, whichever is greater.

Sec. 14. *If a request for qualifications is issued by the Board pursuant to NRS 333A.080, the request must include the process for notice, hearing and appeal if an application is denied.*