

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

**LCB File No. R097-09**

February 19, 2010

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

AUTHORITY: §§1-3, NRS 338.1375 and 341.110 and sections 22 and 25 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at pages 2668 and 2669 (NRS 338.13844 and 338.13847).

A REGULATION relating to public works; providing requirements for applications for a bidder's preference for local businesses owned by veterans with service-connected disabilities with respect to certain public works contracts; providing that the State Public Works Board will maintain on its website information relating to such qualified businesses; and providing other matters properly relating thereto.

**Section 1.** Chapter 338 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. To qualify to receive the preference set forth in section 22 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at page 2668 (NRS 338.13844), a business must:*

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

*(b) Certify in writing on the application and include with the application documentation evidencing that the business is:*

*(1) A local business; and*

*(2) A business owned by a veteran with a service-connected disability.*

*2. The Board will:*

*(a) Compile and maintain a list of the businesses that the Board has determined are qualified to receive the preference set forth in section 22 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at page 2668 (NRS 338.13844); and*

*(b) Post the list on a website maintained by the Board.*

**3. As used in this section:**

*(a) “Business owned by a veteran with a service-connected disability” has the meaning ascribed to it in section 19 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at page 2668 (NRS 338.13841).*

*(b) “Local business” has the meaning ascribed to it in section 7 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at page 2665 (NRS 338.3363).*

*(c) “Veteran with a service-related disability” has the meaning ascribed to it in section 21 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at page 2668 (NRS 338.13843).*

**Sec. 2.** NAC 338.130 is hereby amended to read as follows:

338.130 As used in NAC 338.130 to 338.410, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 338.132 to 338.144, inclusive, have the meanings ascribed to them in those sections.

**Sec. 3.** NAC 338.250 is hereby amended to read as follows:

338.250 1. To qualify to bid on one or more contracts for public works, a prime contractor must:

(a) Submit an application to the Manager on a form prescribed and provided by the Board.

(b) Be qualified before bids are required to be submitted for a public work on which the prime contractor wishes to bid. The Board will not delay the opening of bids on a public work

pending the determination or appeal of the qualification of a prime contractor who wishes to bid on the public work.

2. The Board will specify:

(a) In the application for a specific public work, any special requirements for the specific public work that the Board prescribes.

(b) In the application for qualification for a 2-year period, the cost categories

- (1) Of less than \$100,000;
- (2) Of \$100,000 to \$1,000,000;
- (3) Of \$1,000,001 to \$5,000,000; and
- (4) Of more than \$5,000,000,

↳ for which a prime contractor may be qualified, which are based on the estimated cost of an individual public work. If a prime contractor is qualified to bid on public works in one of the cost categories specified in this subsection, the prime contractor is eligible to bid on public works in any lower cost category.

3. If the application is for qualification for a 2-year period, the prime contractor must indicate on the application:

(a) Whether the prime contractor is interested in receiving offers to bid on public works for which the estimated cost is more than \$25,000 but less than \$100,000; and

(b) The cost category for which the prime contractor seeks to qualify to submit bids.

4. *If the prime contractor is qualified to receive the preference set forth in section 22 of Assembly Bill No. 223, chapter 472, Statutes of Nevada 2009, at page 2668 (NRS 338.13844), the prime contractor must indicate on the application his qualification for the preference.*

5. An application must contain the original signature of the prime contractor who is submitting the application. The Board will not accept a faxed or photocopied application.

~~5.1~~ 6. The submission of a materially incomplete or falsified application or the failure of a prime contractor to disclose information in the application may be grounds for a delay in the qualification of the prime contractor or the denial or revocation of the qualification of a bidder.