

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

**LCB File No. R105-11**

Effective May 30, 2012

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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R105-11**

The State Public Works Board adopted regulations assigned LCB File No. R105-11, 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>
11/28/11	Workshop	12/15/11
1/10/12	Hearing	2/10/12

Many oral and nine written comments were received at the workshop and hearings. 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:**

	12/15/11	2/10/12
(a) Attended each hearing:	32	15
(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.**

The proposed regulation is not controversial; it merely makes minor revisions to the Green Building Regulations that were adopted in 2010.

- 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 – Makes minor revisions to Green Building Regulations adopted in 2010.

**Both immediate and long-term effects.**

Makes minor revisions to Green Building Regulations adopted in 2010.

- 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.**

Does not apply

- 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.