

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

LCB File No. R107-11

December 6, 2011

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

AUTHORITY: §1, NRS 341.070 and 341.110; §2, NRS 341.070, 341.091 and 341.110.

A REGULATION relating to contracts for public works; revising provisions relating to the administration of contracts; and providing other matters properly relating thereto.

Section 1. NAC 341.090 is hereby amended to read as follows:

341.090 1. Within 48 hours after a contractor receives a written notice of the ~~[Board's intent to award him or her a contract,]~~ *Division's notice to proceed*, the contractor shall submit to the ~~[Board,]~~ *Division*, in writing, a complete listing of all the subcontractors whom he or she will engage on the contract, the license numbers issued to each such subcontractor by the State Contractors' Board and a description of the work that each such subcontractor will perform.

2. All contracts must be approved by the Attorney General.

3. The ~~[Board]~~ *Division* will ~~[record]~~ *distribute* a copy of the fully executed agreement between the contractor and the ~~[Board]~~ *Division* or other contracting agency ~~[in the county in which the work is located and will distribute copies]~~ to the contractor, the architect or engineer, the agency which will occupy or control the building, the Secretary of State and the ~~[Board's]~~ *Division's* inspector of the construction.

Sec. 2. 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 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]~~ *Division* 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.