

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

NAC 333.150 Requirements for contract for services of independent contractor; competitive selection; request for proposals; effective date. (NRS 333.130, 333.135)

1. Except as otherwise provided by specific statute, a contract entered into pursuant to NRS 284.173 for the services of an independent contractor must:

- (a) Be awarded pursuant to the provisions of this chapter and chapter 333 of NRS;
- (b) Conform to the form, terms and conditions prescribed by the attorney general; and
- (c) Include any provisions related to insurance that the state risk manager determines are required.

2. Such a contract which by its nature is not adapted to be awarded by competitive selection, including, without limitation, a contract for:

- (a) Services which may only be contracted from a sole source as determined by the chief;
- (b) Professional services, including, without limitation, a contract for the services of:

- (1) An expert witness;
- (2) A professional engineer;
- (3) A registered architect;
- (4) An attorney;
- (5) An accountant; or

(6) Any other professional, if the services of that professional are not adapted to competitive selection as determined by the chief; or

(c) Services necessitated by an emergency affecting the national defense or an emergency caused by an act of God or any other unforeseeable circumstances, as determined by the chief,

is not subject to the requirements of this chapter and chapter 333 of NRS for competitive selection.

3. If such a contract is required to be awarded by competitive selection and the estimated value of the contract exceeds \$25,000 per fiscal year, it must be solicited through a request for proposals. The request for proposals must conform to the form for a request for proposals prescribed by the attorney general.

4. If an effective date is not set forth in a contract for the services of an independent contractor awarded pursuant to NRS 284.173, the contract is effective on the date on which it is approved by the state board of examiners.

(Added to NAC by Chief of Purchasing Div. by R099-99, eff. 12-13-99; A by R078-01, 12-17-2001)

EXHIBIT O Senate Committee on Finance

Date: 5/27/03 Page 1 of 2

NAC 341.030 Employees; powers of manager.

1. In addition to the manager and the deputy manager for professional services, each employee who is classified as an architect or an engineer must maintain a license to practice architecture or engineering in the State of Nevada.

2. The manager may:

- (a) Administer the board's programs.
- (b) Approve claims and partial payments.
- (c) Negotiate and execute contracts and other documents authorized by the board.
- (d) Except as otherwise provided in NAC 341.105, approve change orders and endorsements to authorized contracts.
- (e) Select and commission professional or technical firms or other persons for checking plans, testing, surveying and providing necessary consulting or professional services.
- (f) Establish criteria for soliciting bids and bidding and use the criteria established by the board to determine responsible contractors.
- (g) Award a contract for construction to responsible contractors.
- (h) Administer the board's employees, including hiring and firing, except that the deputy managers may be hired and fired only with the concurrence of the board.
- (i) Perform such other functions as may be required for the efficient administration of the board's programs or as directed by the board.
- (j) Approve plans for projects of capital improvement.
- (k) Adopt A-E selection procedures, design standards, general provisions for contracts, contract forms and other standards that are needed to ensure the construction and maintenance of facilities at a reasonable cost.
- (l) Select architects and engineers for contracts for professional design services that are less than \$50,000.
- (m) Make recommendations to the board for the selection of architects and engineers for contracts for professional design services that are \$50,000 or more.
- (n) Solicit bids for the construction of a project with an estimated value of less than \$500,000.
- (o) Execute the forms necessary for the final acceptance of work that is completed for a project with a value of less than \$1,000,000.
- (p) Terminate for good cause a contract of less than \$100,000.
- (q) Accept money and establish funds for projects not previously included in the program for capital improvements which have a budget of less than \$100,000 and, with the concurrence of the chairman, seek legislative approval for those projects, if necessary.
- (r) Amend the scope or budget of a project if the amendment has a value of less than \$100,000 and, with the concurrence of the chairman, seek legislative approval for those amendments, if necessary.
- (s) Delegate the authority of the board to other state agencies in accordance with NRS 341.119 for projects of less than \$100,000.

3. The manager may delegate his authority to take any action pursuant to subsection 2 to a deputy manager or the chief of design.

4. No employee may have any personal interest in any project under the jurisdiction of the board or engage in any activity that is in conflict with policies and procedures of the board.

[Planning Bd., Policy, Procedure and Rules § 1405, eff. 1-20-62; A and renumbered as §§ 1500-1508, 5-3-72; A 11-17-73; 11-1-75; 7-16-76; 1-3-78]—(NAC A 12-16-82; A by Pub. Works Bd., 3-17-94)

02