



**ANNUAL REPORT CONCERNING PROJECTS AWARDED  
BASED ON PREFERENCE AS DEFINED IN NRS 338  
TO THE STATE OF NEVADA'S LEGISLATIVE COUNSEL BUREAU**

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**Responsible:** Purchasing Department

**PURPOSE**

This Administrative Procedure shall provide guidance for the Purchasing Department when processing annual reporting to Nevada's Legislative Counsel Bureau (LCB) on the award of any bid, based on preference, that is \$250,000 or greater, pursuant to Nevada Revised Statute (NRS) 338.0117, Subsection 7, in the Washoe County School District (District).

**PROCEDURE**

1. General Information

- a. Awarding bids based on preference was created by Assembly Bill 144 in the 2011 Legislative Session and became effective April 27, 2011.
  - b. NRS 338.147, Subsection 2 (a) and (b) states that a local government (the District), for projects \$250,000 or greater, shall award a bid to a bidder who submits the best bid. The best bid is deemed based on the following:
    - i. At the time of bid submission, a valid Certificate of Eligibility to receive preference on bidding public works projects in the State of Nevada, issued by the Nevada State Contractor's Board, is to be provided to the District;
    - ii. If not provided at the time of bid submission, within two (2) hours after the completion of the opening of the bids, a signed Affidavit of Contractor Submitted as Proof of Compliance with the Provisions of NRS 338.147 and NRS 338.1389 is to be provided to the District; and
    - iii. Both documents are required by WCSD to receive preference. The bidder who provides both documents must not be more than five percent (5%) higher than the bid submitted by the lowest responsive and responsible bidder who did not submit both documents.
2. Pursuant to NRS Chapter 338.0117, Subsection 7, the District shall account for all bids awarded based on preference and submit a report to the LCB annually (as defined under NRS 338.0117).
- a. The Purchasing Department is to keep account of all bids awarded based on preference during the course of a fiscal year (FY) (July 1<sup>st</sup> – June 30<sup>th</sup>).
3. The District's report must be submitted to the Director of the LCB, for transmission to the Legislative Commission, on or before July 31<sup>st</sup> of each year.

- a. The report must include:
  - i. The name of the contractor, applicant or design-build team who was awarded the contract;
  - ii. The cost of the contract;
  - iii. A brief description of the public work; and
  - iv. A description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements.
4. The assigned Purchasing Department employee completes a draft of the report for review by the Director of Procurement and Contracts before finalizing the report for submission to the LCB.
  - a. The LCB does not have a designated form to submit the information required for this report. The District issues in *Memo* format on District letterhead the information referenced in Section 3.
  - b. The Purchasing Department employee completing the report refers to the most recently submitted report that is maintained by the Purchasing Department and can use the previous report as a template.
    - i. All bids awarded based on preference are noted on the Quote/Bid Log maintained for Public Works projects. Any applicable bids, for the reporting FY, are extracted from the log to add to the report;
    - ii. Utilizing the required information referenced in section 3 above, the report is populated for each applicable bid;
    - iii. The new report is then renamed to reflect the applicable FY and then saved back into the same folder as previous years' reports; and
    - iv. The draft of the annual report is then submitted to the Director of Procurement and Contracts for review and approval.
  - c. If there are no bids awarded based on preference, then the District will still submit a report indicating that no awards for that FY were awarded based on preference.
    - i. The same process is followed as stated above in Item 4.a. The employee can use a previously submitted report from a FY that did not have any preference awards as a template;

- ii. The report is updated with the current FY dates on current District letterhead and then renamed and saved in the same fashion as is stated in section 4.a.iii above; and
    - iii. The draft of the report is then submitted to the Director of Procurement and Contracts for review and approval.
5. Once approved internally, the employee then submits the full report, as instructed, to the Director of the LCB, for transmission to the Legislative Commission no later than July 31<sup>st</sup>.
  - a. The report is transmitted via e-mail to [admin@lcb.state.nv.us](mailto:admin@lcb.state.nv.us) and is also sent by (cc:) to all Public Works Buyers, the Director of Procurement and Contracts, and to the Chief Financial Officer's Administrative Assistant.
6. A report prepared pursuant to Chapter 338.0117, Subsection 7, is a public record and must be maintained on file with the District. These reports are currently maintained by the District's Purchasing Department.

#### **LEGAL REQUIREMENTS AND ASSOCIATED DOCUMENTS**

1. This Administrative Procedure reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 3321, Contract Review and Approval; and
  - b. Administrative Regulation 3322, Bids/Quotations and Contracts.
2. This Administrative Procedure aligns with Nevada Revised Statutes, to include:
  - a. NRS Chapter 338, Public Works.

#### **REVISION HISTORY**

Date	Revision	Modification
01/01/2022	1.0	Adopted