Responsible: Purchasing Department

PURPOSE

This Administrative Procedure shall provide guidance for Washoe County School District's (District) Purchasing Department when processing Request for Bid (RFB) solicitations that are estimated at $85,000 and greater pursuant to Nevada Revised Statute (NRS) 338.

PROCEDURE

1. General Information

    a. Pursuant to NRS 338 (Alternative Procedures for Local Governments), a local government (e.g., the District), shall issue a solicitation (e.g., RFB) for projects estimated at $100,000 or greater, by advertising in a newspaper qualified pursuant to Chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work.

    b. The District applies the RFB threshold at projects estimated at $85,000 or greater.

    c. For all public works bids that are estimated at $100,000 or greater, the District must abide by the State of Nevada Labor Commissioner's requirements for Prevailing Wages per NRS 338.

    d. The District shall award a contract to the lowest responsive and responsible bidder that is properly licensed to provide and complete the project per specifications and related requirements outlined in the RFB solicitation.

    e. When applicable, the District may apply a force account amount to the estimated project cost (above and beyond the estimated project cost) that shall be used for changes in the work at the District's (as the "Owner") discretion.

        i. A force account is used for unforeseen issues on a project, so that work can continue to progress without delay for additional approvals that may be required prior to commencing the work applicable to the use of the force account.

        ii. Any changes shall be approved by change order and the force account balance shall be reduced to reflect said change.

iii. Any remaining force account balance at the completion of the project shall be returned to the District/Owner by a deductive change order.

f. Valid bids that will be accepted by the District shall be:

i. Submitted by the due date and time in a sealed envelope or package to the location identified on the RFB document. No late bids will be accepted.

ii. Submitted using only the District's provided forms with all of the blank spaces completed.

iii. No additional pages containing inclusions, exclusions or clarifications will be accepted as part of the bid.

iv. Numbers shall be stated both in writing and in numerical figures.

v. The authorized representative signature is required and shall be in longhand. If a bid is not signed by the bidder's authorized representative the bid submission will be rejected.

vi. Pursuant to NRS 104.3114 (Contradictory Terms of Instrument) states: *"If an instrument contains contradictory terms, typewritten terms prevail over printed terms, handwritten terms prevail over both, and words prevail over numbers"*; and

vii. Any clarifications, additions or exclusions made by the District through an addendum will be considered incorporated into the bid specifications.

viii. Per NRS 338.1415, the District shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, materially breached a contract for a public work for which the cost exceeds $25,000,000.

2. Development, Approval and Distribution of RFB Solicitation

a. The Purchasing Department's assigned Buyer receives a Bid Spec Book Template from the Capital Projects Department, which provides details about the project and requires review and approval from various Capital Projects, Business and Purchasing Department key personnel prior to publishing the bid.

b. All solicitations issued via the Purchasing Department have a unique identifier for tracking and identification purposes. Bid numbers are assigned by the Buyer facilitating the solicitation and logged onto the Quote/Bid Log, which is maintained on the internal department Public Works shared drive. All numbers, regardless of solicitation type, have 5 different identifying components. An example of a Bid number is 21-02-B-08-XX and the following are the components that create this unique identifier listed in order of format:

    i. Fiscal Year Bid is Issued

    ii. Sequential Number Based on Quote/Bid Log

    iii. Type of Solicitation

    iv. Month Bid is Issued

    v. Initials of Facilitating Buyer

c. If the RFB solicitation estimate is greater than $100,000, then a PWP number that is issued by the State of Nevada's Labor Commissioner's Office, is to be requested via an *Application to Request for Public Works Identifying Number*, and the number included in the bid specifications.

    - The Buyer is to complete the form per the forms' instructions and then submit the form to the State of Nevada's Labor Commissioner's Office.

d. Once the Bid Spec Book Template is approved, a timeline for the bid process must be coordinated with the Capital Projects Department Planning Manager and/or Project Manager.

e. A review of any supporting documents to be included in the bid solicitation must occur. Supporting documents may include, but are not limited to: electronic (pdf) drawings; technical specifications; MDPs (Material, Water and Lead Disturbance Permit(s)); and any other project-related documentation.

e. Following final approvals of the Bid Spec Book, the Buyer completes various tasks to finalize the solicitation for publishing and distribution including obtaining any electronic copies of related exhibits/attachments to the RFB; preparing calendar e-invites with dates and times for required meetings and project milestones (e.g., pre-bid meeting, question and answer period; addendum posting; bid opening; recommendation of award; etc.); and preparing legal ad notification(s).

f. The Buyer will post and distribute the RFB solicitation to all interested parties via the WCSD Solicitations website.

g. Once the RFB solicitation has been posted and distributed accordingly, the solicitation processes passes through several milestones as outlined in the timeline, including the pre-bid meeting (if applicable); closing of the question and answer period; the issuance of addendums; bid opening; bid evaluation and review (tabulation); recommendation of award; preparation of all RFB documents required for the District's Board of Trustees (Board) approval, including but not limited to the final contract.

    i. All solicitations that are to be awarded at $100,000 or greater require the Board's approval at a regularly scheduled board meeting.

h. With the issuance of the Recommendation of Award, the official protest period is opened per NRS 338.142. The protest period, as mandated per NRS, is five (5) business days following the Recommendation of Award. During this period, an unsuccessful bidder has the right to file a Notice of Protest to the Director of Procurement and Contracts accompanied by a surety in the amount of twenty-five percent (25%) of the bid or two hundred fifty thousand ($250,000), whichever is less.

3. Execution of Contract and Issuance of Notice to Proceed

a. After the Board has approved the recommendation of award for the RFB, the public works project contract is signed by the District's Superintendent.

b. The Buyer is to coordinate with the awarded contractor, the countersigning of the contract and any related MDPs.

c. Prior to any work of the project commencing, the Buyer is to collect all required bonds and certificates of insurance liability from the awarded contractor.

d. If a PWP# was requested, based on the estimate of the public works project, then final award information of the RFB must be submitted to the State of Nevada's Labor Commissioner's Office per the instructions on the application form.

e. The awarded contractor should receive one (1) copy of the fully executed contract and one (1) copy of any fully executed MDPs related to the project.

f. After all required bonds and insurance have been collected and the contract/MDPs executed, the Buyer is to prepare the Notice to Proceed

(NTP) for the public works project and obtain signature on the NTP from the District's Director of Procurement and Contracts.

g. The Buyer will provide a copy of the NTP to the awarded contractor.

4. Record Retention of Public Works Solicitation Documentation

   a. Although NRS 338 doesn't mandate a specific retention period for bid solicitation documents, the District maintains a copy of all related documents indefinitely. An electronic file is maintained throughout the solicitations process, as well as a hard copy file. Both the electronic file and the hard copy file are retained after the solicitation has been closed out.

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