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Agency: Nevada State Board of Architecture
Interior Design and Residential Design

Classification: PROPOSED ADOPTED BY AGENCY EMERGENCY

Brief description of action: SB 268 of the 2011 Legislative Session requires that the Nevada State Board of Architecture, Interior Design and Residential Design adopt regulations by October 1, 2011 to provide certificates of eligibility to Nevada architects to receive a design professional preference of five percent when competing on public work projects. The proposed regulations pursuant to SB 268 and revised fee schedule are attached.

Authority other than 233B SB 268 of 2011 Legislative Session, NRS 623.140 and NRS 623.310

Notice Date August 29, 2011

Date of Adoption by Agency

Hearing Date: September 29, 2011

Chapter 623 of NAC is hereby amended by adding the following new sections to read as follows:

NAC 623._____ “Affidavit for a certificate of eligibility” defined. (NRS 338._____, 623.140) “Affidavit for a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to NRS 338._____.

NAC 623._____ “Affidavit for renewal of a certificate of eligibility” defined. (NRS 338._____, 623.140) “Affidavit for renewal of a certificate of eligibility” means an affidavit from a certified public accountant required pursuant to NRS 338._____.

NAC 623._____ “Certificate of eligibility” defined. (NRS 338._____, 623.140) “Certificate of eligibility” means a certificate of eligibility to receive a design professional preference on public works issued by the Board pursuant to NRS 338._____.

NAC 623._____ “Statement of compliance” defined. (NRS 338._____, 623.140) “Statement of compliance” means a statement from an architect who applies for a certificate of eligibility which states that the architect is properly licensed pursuant to the provisions of chapter 623 of NRS for the certificate of eligibility for which he or she is applying.

NAC 623._____ Prerequisites. (NRS 338._____, 623.140)

1. An architect who wishes to obtain a certificate of eligibility must submit to the Board:
 - (a) An application on a form provided by the Board;
 - (b) A notarized affidavit for a certificate of eligibility on a form provided by the Board;
 - (c) A notarized statement of compliance on a form provided by the Board;
 - (d) The fee set forth in NAC 623.290; and
 - (e) Any other documentation required by the Board.
2. Where two or more architectural firms desire to combine in whatever legal form for the purposes of submitting a bid on a project for which the combined entity would seek the preference allowed by SB 268 of the 2011 Legislative Session, each individual entity making up the combination must employ at least one architect who would apply and qualify for a certificate of eligibility in order for the combination to be eligible for the preference.

NAC 623._____ Application; review of banking records. (NRS 338._____, 623.140)

1. An application for a certificate of eligibility must include, without limitation:
 - (a) The name of the applicant;
 - (b) The certificate of registration number of the applicant;
 - (c) The mailing address of the applicant;
 - (d) The telephone number of the applicant;
 - (e) The signature of the applicant; and

(f) Any other information that the Board may require.

2. A certified public accountant shall certify on an affidavit provided by the board that the applicant has met the requirements of section 2 of SB 268 of the 2011 Legislative Session.

NAC 623._____ Issuance or denial. (NRS 338._____, 623.140) The Board or a person otherwise authorized by the Board will issue or deny a certificate of eligibility within a reasonable time after the date on which the Board receives the application, all required documentation that supports the application and the fee set forth in NAC 623.290.

NAC 623._____ Contents of certificate. (NRS 338._____, 623.140) The certificate of eligibility must include, without limitation:

1. The date of issuance;
2. The date of expiration;
3. The name and the certificate of registration number of the registered architect; and
4. Such other information that the Board deems appropriate.

NAC 623._____ Issuance of duplicate certificate. (NRS 338._____, 623.140) The Board will issue a duplicate certificate of eligibility to any architect who has received a certificate of eligibility and who certifies that his or her certificate of eligibility has been lost or destroyed.

NAC 623._____ Affidavit for renewal. (NRS 338._____, 623.140) An affidavit for renewal of a certificate of eligibility must be on a form provided by the Board and must be notarized.

NAC 623._____ Issuance of certificate prohibited if certificate of registration not active; revocation; reapplication. (NRS 338._____, 623.140) The Board will not issue a certificate of eligibility to an architect whose certificate of registration is not in active status. If the architect whose certificate of registration is not in active status has received a certificate of eligibility, the Board will revoke the certificate of eligibility. Such an architect must reapply for a certificate of eligibility pursuant to NRS 338._____.

NAC 623._____ Disciplinary action. (NRS 338._____, 623.140)

1. If an architect who applies to the Board for a certificate of eligibility submits false or misleading information, submits an application which is incomplete or does not comply with this chapter or chapter 338 or 623 of NRS, the Board may:

- (a) Deny the application;
- (b) If the architect has received a certificate of eligibility, revoke the certificate of eligibility;

or

(c) Take such actions that the Board deems appropriate under the circumstances.

2. In carrying out the provisions of this section, the Board may rely on information contained in the records maintained by the Board and need not conduct any investigation, inquiry or hearing regarding the information contained in those records.

NAC 623._____ Written objection filed with public body. (NRS 338._____, 623.140) If a written objection is filed with a public body pursuant to NRS 338._____, the Board or person otherwise authorized by the board will, upon request by the public body, provide to the public body a copy of the application of the architect against whom the complaint was made and any documentation submitted with the application.

NAC 623._____ Notification to Board of determination by public body; revocation of certificate. (NRS 338._____, 623.140)

1. If a public body determines that a written objection is accompanied by the required proof or substantiating evidence pursuant to NRS 338._____, the public body shall notify the Board in writing of the determination of the public body within 30 days after the date of its determination.

2. Upon receipt of the written documentation from the public body, the Board or a person otherwise authorized by the Board will immediately revoke the certificate of eligibility for the architect. No formal disciplinary hearing is required before revocation of the certificate of eligibility based upon the receipt of the documentation from the public body which received the proposal on a contract for the completion of a public work.