

Governor Brian Sandoval
Chairman

James R. Wells, CPA
Clerk of the Board



Attorney General Adam Paul Laxalt
Member

Secretary of State Barbara K. Cegavske
Member

**STATE OF NEVADA
BOARD OF EXAMINERS**

209 E. Musser Street, Room 200 / Carson City, NV 89701-4298
Phone: (775) 684-0222 / Fax: (775) 684-0260
<http://budget.nv.gov/Meetings>

PUBLIC MEETING NOTICE AND AGENDA

Date and Time: December 18, 2017, 3:00 PM

Location: Old Assembly Chambers of the Capitol Building
101 N. Carson Street
Carson City, Nevada 89701

Video Conference Location: Grant Sawyer Building
555 E. Washington Avenue, Ste. 5100
Las Vegas, Nevada 89101

AGENDA

- 1. Call to Order / Roll Call**
- 2. Public Comment** (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item)

3. Approval of Proposed Contract (For possible action)

DEPT #	STATE AGENCY	CONTRACTOR	FUNDING SOURCE	AMOUNT	EXCEPTIONS FOR SOLICITATIONS AND/OR EMPLOYEES
012	DEPARTMENT OF ADMINISTRATION - STATE PUBLIC WORKS – FALLEN SOLDIER GIFT FUND	PUNCH, LLC	OTHER: SETTLEMENT FUNDS; GIFT FUNDS	\$250,000	
Contract Description:	This is a new contract that provides the design and installation of the State Battle Born Memorial to Fallen Soldiers. Term of Contract: 12/18/2017 - 12/31/2018 Contract # 19534				

4. Public Comment (No action may be taken upon a matter raised under public comment period unless the matter itself has been specifically included on an agenda as an action item)

5. Adjournment (For possible action)

NOTE: Items may be considered out of order. The public body may combine two or more agenda items for consideration. The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The public body may place reasonable restrictions on the time, place, and manner of public comments but may not restrict comments based upon viewpoint. We are pleased to make reasonable accommodations for members of the public who have disabilities and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify Dale Ann Luzzi at (775) 684-0223 as soon as possible and at least two days in advance of the meeting. If you wish, you may e-mail her at daluzzi@finance.nv.gov. Supporting materials for this meeting are available at: 209 E. Musser Street, Suite 200, Carson City, NV 89701 or by contacting Dale Ann Luzzi at (775) 684-0223 or by email at daluzzi@finance.nv.gov

Agenda Posted at the Following Locations:

1. Blasdel Building, 209 E. Musser Street, Carson City, NV 89701
2. Capitol Building, 101 North Carson Street, Carson City, NV 89701
3. Legislative Building, 401 N. Carson Street, Carson City, NV 89701
4. Nevada State Library & Archives, 100 North Stewart Street, Carson City, NV 89701
5. Grant Sawyer Building, Capitol Police, 555 E. Washington, Las Vegas, NV 89101

Notice of this meeting was posted on the Internet: <http://budget.nv.gov/Meetings/> and <https://notice.nv.gov>

CONTRACT SUMMARY

BOE #	DEPT #	STATE AGENCY	CONTRACTOR	FUNDING SOURCE	AMOUNT	EXCEPTIONS FOR SOLICITATIONS AND/OR EMPLOYEES
1.	082	DEPARTMENT OF ADMINISTRATION - STATE PUBLIC WORKS - FALLEN SOLDIER GIFT FUND	PUNCH, LLC	OTHER: SETTLEMENT FUNDS; GIFT FUNDS	\$250,000	
Contract Description:		This is a new contract that provides the design and installation of the State Battle Born Memorial to Fallen Soldiers.				
		Term of Contract:	12/18/2017 - 12/31/2018	Contract # 19534		

CONTRACT SUMMARY

(This form must accompany all contracts submitted to the Board of Examiners (BOE) for review and approval)

I. DESCRIPTION OF CONTRACT

1. Contract Number: **19534**

Agency Name: **ADMIN - STATE PUBLIC WORKS DIVISION**

Agency Code: **082**

Appropriation Unit: **All Appropriations**

Is budget authority available?: **No**

If "No" please explain: This is an agency funded CIP where the project will be managed by the SPWD, but all funding and contractor payment responsibilities will remain with the initiating agency. For this contract the funding and expenditure authority will reside in Veteran's Services Budget Account 2566, expenditure category 11.

Legal Entity Name: **PUNCH, LLC.**

Contractor Name: **PUNCH, LLC.**

Address: **4424 WAGON TRAIL AVENUE**

City/State/Zip: **LAS VEGAS, NV 89118**

Contact/Phone: **Zak Ostrowski 702-510-7343**

Vendor No.: **T29040030**

NV Business ID: **NV20151710570**

To what State Fiscal Year(s) will the contract be charged? **2018-2019**

What is the source of funds that will be used to pay the contractor? Indicate the percentage of each funding source if the contractor will be paid by multiple funding sources.

General Funds	0.00 %	Fees	0.00 %
Federal Funds	0.00 %	Bonds	0.00 %
Highway Funds	0.00 %	<input checked="" type="checkbox"/> Other funding	100.00 % Agency Funds, AG Settlement Funds and Donations

Agency Reference #: **18-A026**

2. Contract start date:

a. Effective upon Board of Examiner's approval? **Yes** or b. other effective date: **NA**

Anticipated BOE meeting date **12/2017**

Retroactive? **No**

If "Yes", please explain

Not Applicable

3. Termination Date: **12/31/2018**

Contract term: **1 year and 30 days**

4. Type of contract: **Contract**

Contract description: **State Memorial**

5. Purpose of contract:

This is a new contract which provides for the design and installation of the State Battle Born Memorial to Fallen Soldiers on the grounds of the Capitol Complex in Carson City: CIP Project No. 18-A026.

6. NEW CONTRACT

The maximum amount of the contract for the term of the contract is: **\$250,000.00**

Other basis for payment: \$37,500 (15%) execution of contract; \$37,500 (15%) final design approval; \$50,000 (20%) start of fabrication of artwork;\$50,000 (20%) State approval of installation plans;\$75,000 (30%) final acceptance of installed artwork, receipt of photo documentation,final artwork description and maintenance instruction by the State.

II. JUSTIFICATION

7. What conditions require that this work be done?

SB 230 (2013) specifically authorized the Veteran's Services Commission to design the memorial.

8. Explain why State employees in your agency or other State agencies are not able to do this work:

This is the BattleBorn Agency Project 18-A026.

9. Were quotes or proposals solicited? Yes
 Was the solicitation (RFP) done by the Purchasing Division? No

a. List the names of vendors that were solicited to submit proposals (include at least three):

b. Solicitation Waiver: **Not Applicable**

c. Why was this contractor chosen in preference to other?

Consultants are selected based on their ability to provide design, engineering, fabrication and installation to meet the goals established by the Legislature.

d. Last bid date: Anticipated re-bid date:

10. Does the contract contain any IT components? No

III. OTHER INFORMATION

11. Is there an Indirect Cost Rate or Percentage Paid to the Contractor?

No If "Yes", please provide the Indirect Cost Rate or Percentage Paid to the Contractor

Not Applicable

12. a. Is the contractor a current employee of the State of Nevada or will the contracted services be performed by a current employee of the State of Nevada?

No

b. Was the contractor formerly employed by the State of Nevada within the last 24 months or will the contracted services be performed by someone formerly employed by the State of Nevada within the last 24 months?

No

c. Is the contractor employed by any of Nevada's political subdivisions or by any other government?

No If "Yes", please explain

Not Applicable

13. Has the contractor ever been engaged under contract by any State agency?

No If "Yes", specify when and for which agency and indicate if the quality of service provided to the identified agency has been verified as satisfactory:

Not Applicable

14. Is the contractor currently involved in litigation with the State of Nevada?

No If "Yes", please provide details of the litigation and facts supporting approval of the contract:

Not Applicable

15. The contractor is registered with the Nevada Secretary of State's Office as a:
 LLC

16. a. Is the Contractor Name the same as the legal Entity Name?
 Yes

17. a. Does the contractor have a current Nevada State Business License (SBL)?
 Yes

18. a. Is the legal entity active and in good standing with the Nevada Secretary of State's Office?
 Yes

19. Agency Field Contract Monitor:
 Robbie Oxoby, Project Manager Ph: 775-684-4129

20. Contract Status:

Contract Approvals:

Approval Level	User	Signature Date
Budget Account Approval	ssands	12/08/2017 08:39:08 AM
Division Approval	ssands	12/08/2017 08:39:12 AM
Department Approval	ssands	12/08/2017 08:39:15 AM
Contract Manager Approval	ssands	12/12/2017 13:18:33 PM
Budget Analyst Approval	jrodrig9	12/12/2017 13:29:08 PM
BOE Agenda Approval	myoun3	12/12/2017 13:44:25 PM
BOE Final Approval	Pending	

State of Nevada
Department of Administration

Purchasing Division

515 E. Musser Street, Suite 300
Carson City, NV 89701



Brian Sandoval
Governor

Patrick Cates
Director

Jeffrey Haug
Administrator

Purchasing Use Only:	
Approval#:	171104

SOLICITATION WAIVER JUSTIFICATION AND REQUEST FORM

ALL FIELDS ARE REQUIRED – INCOMPLETE REQUESTS WILL BE RETURNED TO THE AGENCY

1a	Agency Contact Information - Note: Approved copy will be sent to only the contact(s) listed below:		
	State Agency:	State Public Works Division	
	Contact Name and Title	Phone Number	Email Address
	Robbie Oxoby, Project Manager	775-684-4129	roxoby@admin.nv.gov
	Chris Chimits, Deputy Administrator	775-684-1111	cpchimits@admin.nv.gov

Vendor Information:	
Identify Vendor:	Punch LLC
Contact Name:	Zac Ostrowski
Address:	4424 Wagon Trail Ave., Las Vegas, NV
Telephone Number:	702-510-7343
Email Address:	zac@puncharc.com

1c	Type of Waiver Requested – Check the appropriate type:	
	Sole or Single Source:	XX
	Professional Service Exemption:	

Contract Information:				
1d	Is this a new Contract?	Yes	XX	No
	Amendment:	#		
	CETS:	#		

1e	Term:			
	One (1) Time Purchase:	XX		
	Contract:	Start Date:	December 13, 2017	End Date:

1f	Funding:	
	State Appropriated:	
	Federal Funds:	
	Grant Funds:	Attorney General's Office – State Settlements FY 18
	Other (Explain):	

1g	Total Estimated Value of this Service Contract, Amendment or Purchase:
	\$250,000.00

2	Provide a description of work/services to be performed or commodity/good to be purchased:
	<i>Design and installation of Battleborn Memorial to Nevada's Fallen Warriors.</i>
	<i>Location of Memorial – Capitol Grounds Complex</i>

3	What are the unique features/qualifications required for this service or good that are not available from any other vendor:
	<i>The vendor is an artist and developed the design concept for the Battleborn Memorial. SB 230 (2013) specifically authorized the Veterans Services Commission to design the memorial which they did by soliciting Statements of Qualifications for the design of the memorial. 15 artists submitted SOQ's. Vendor Punch LLC conceptual design was chosen by a review committee created by Susan Boskoff, Director, Nevada Arts Council and Katherine Miller, Director, Nevada Department of Veteran's Services, with participation by the Veteran's Commission.</i>

4	Explain why this service or good cannot be competitively bid and why this purchase is economically only available from a single source:
	<i>The conceptual design for the memorial was chosen as permitted by SB 230 (2013). Once selected, only the chosen artist is able to complete design and install the memorial.</i>

5	Were alternative services or commodities evaluated? Check One.	Yes:	<input checked="" type="checkbox"/>	No:	<input type="checkbox"/>
	a. <i>If yes, what were they and why were they unacceptable? Please be specific with regard to features, characteristics, requirements, capabilities and compatibility.</i>	<i>Yes – see selection process outlined in #3 as authorized by SB 230 (2013)</i>			
	b. <i>If not, why were alternatives not evaluated?</i>				

6	Has the agency purchased this service or commodity in the past? Check One. Note: If your previous purchase(s) was made via solicitation waiver(s), a copy or copies of ALL previous waivers MUST accompany this request.			Yes:	<input type="checkbox"/>	No:	<input checked="" type="checkbox"/>
	a. <i>If yes, starting with the most recent contract and working backward, for the entire relationship with this vendor, or any other vendor for this service or commodity, please provide the following information:</i>						
	Term		Value	Short Description	Type of Procurement (RFP#, RFQ#, Waiver #)		
	Start	and End Dates					
			\$				
		\$					
		\$					
		\$					

			§		
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7	What are the potential consequences to the State if the waiver request is denied and the service or good is competitively bid?
	<i>The installation of an important memorial honoring Nevada's fallen servicemen and women will not be installed.</i>

8	What efforts were made or conducted to substantiate there is no competition for the service or good and to ensure the price for this purchase is fair and reasonable?
	<i>As noted in #3 above, a competitive solicitation took place, as authorized by SB 230 (2013). SPWD will administer the contract, and has the expertise to evaluate and determine that the price is fair and reasonable.</i>

9	Will this purchase obligate the State to this vendor for future purchases? <u>Before selecting your answer, please review information included on Page 2, Section 9 of the instructions.</u>	Yes:		No:	X
	a. <i>If yes, please provide details regarding future obligations or needs.</i>				

By signing below, I know and understand the contents of this Solicitation Waiver Request and Justification and attest that all statements are true and correct.


Agency Representative Initiating Request

Gustavo Nunez, P.E., Administrator 11/16/17
Print Name of Agency Representative Initiating Request Date


Signature of Agency Head Authorizing Request

Gustavo Nunez, P.E. Administrator 11/16/17
Print Name of Agency Head Authorizing Request Date

PLEASE NOTE: In an effort to avoid possible conflict with any equipment, system or process already installed or in place by the State of Nevada or to assist in our due diligence, State Purchasing may solicit a review of your request from another agency or entity. The signature below indicates another agency or entity has reviewed the information you provided. This signature does not exempt your agency from any other processes that may be required.

Name of agency or entity who provided information or review:

Representative Providing Review

Print Name of Representative Providing Review

Date

Please consider this memo as my approval of your request. This exemption is granted pursuant to NAC 333.150(2)(a)(b)(c), NRS 333.400. This exemption may be rescinded in the event reliable information becomes available upon which the Purchasing Administrator determines that the service or good sought may in fact be contracted for in a more effective manner. Pursuant to NRS 284.173(6), contracts for services do not become effective without the prior approval of the State Board of Examiners (BOE).

If you have any questions or concerns please contact the Purchasing Division at 775-684-0170.

Signed:


Administrator, Purchasing Division or Designee

11-17-2017
Date