

Governor Steve Sisolak  
*Chairman*

Susan Brown  
*Clerk of the Board*



Attorney General Aaron D. Ford  
*Member*

Secretary of State Barbara K. Cegavske  
*Member*

## STATE OF NEVADA BOARD OF EXAMINERS

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

**Date and Time:** May 10, 2022, 10:00 AM

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

**Video Conference Location:** Grant Sawyer Building  
555 East Washington Avenue, Suite 5100  
Las Vegas, Nevada 89101

### **MEMBERS PRESENT:**

Governor Steve Sisolak  
Secretary of State Barbara Cegavske – On the phone  
Attorney General Aaron Ford – On the phone

### **STAFF PRESENT:**

Susan Brown, Clerk of the Board  
Rosalie Bordelove, Board Counsel  
Dale Ann Luzzi, Board Secretary

## MEETING MINUTES

### 1. Call to Order / Roll Call

**Governor:** Good morning, everybody. I would like to call to order today's meeting of the State Board of Examiners for Tuesday, May 10, 2022. Could I ask the Clerk to take the roll, please?

**Board Secretary:** Governor Sisolak.

**Governor:** Here.

**Board Secretary:** Secretary of State Cegavske.

**Secretary of State:** Here.

**Board Secretary:** Attorney General Ford.

**Attorney General:** Here.

**Board Secretary:** Let the record reflect we have a quorum.

- 2. Public Comment** The first public comment period is limited to comments on items on the agenda. No action may be taken upon a matter raised under this public comment period unless the matter itself has been specifically included on the agenda as an action item. The Chair of the Board has imposed a time limit of three minutes. Public comment may be provided in person or via telephone. To provide public comment on an item on the agenda via telephone, dial 775-321-6111. When prompted to provide the meeting ID, please enter 316 240 28#. When the Chair opens the public comment period, dial \*5 to request to be unmuted. To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-0222.

**Governor:** Moving on to item number two, *Public Comment*. This is the first time set aside for public comment. Anyone wishing to address the Board on any item on today's agenda, please step forward, identify yourself for the record and comments will be limited to three minutes. Do we have anybody in Las Vegas for public comment? No. Do we have anybody from Carson City for public comment?

**Clerk of the Board:** Governor, we do have a public comment here in Carson City this morning.

**Public Comment:** Attachment A

**Governor:** Do we have any written or telephonic comments? No. I'm going to close the public comment.

- 3. Approval of the April 12, 2022 Meeting Minutes** (For possible action)

**Governor:** Moving on to item number three, *Approval of the April 12, 2022 Meeting Minutes*. Do I have a motion?

**Secretary of State:** I move for approval.

**Governor:** We have a motion by Secretary Cegavske. Is there any discussion? Hearing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

**4. State Vehicle Purchases** (For possible action)

Pursuant to NRS 334.010, no automobile may be purchased by any department, office, bureau, officer, or employee of the state without prior written consent of the State Board of Examiners.

<b>AGENCY NAME</b>	<b># OF VEHICLES</b>	<b>NOT TO EXCEED:</b>
Department of Tourism and Cultural Affairs – Division of Museums and History – Nevada State Museum Trust	1	\$2,928
<b>Total</b>	<b>1</b>	<b>\$2,928</b>

**Governor:** Item number four, *State Vehicle Purchases*.

**Clerk of the Board:** Good morning. There is one request to purchase a vehicle under this agenda item. This request is from the Department of Tourism and Cultural Affairs, Division of Museums and History, Nevada State Museum Trust fund to purchase a replacement vehicle for an amount not to exceed \$2,928. This purchase will be made from the State Purchasing Division. The vehicle being replaced has met the age and/or mileage requirements in the State Administrative Manual and funds are available for this purchase.

Are there any questions on this item?

**Governor:** Do we have any questions on the vehicle purchase, item number four?

**Secretary of State:** No questions. I move for approval, Governor.

**Governor:** We have a motion for approval from Secretary Cegavske. Is there any discussion on the motion? Hearing and seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

**5. Authorization to Contract with a Current and/or Former State Employee** (For possible action)

**A. Department of Administration – Purchasing Division**

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Kelly Bodine to assist in processing a complex caseload of disability cases for the Department of Employment, Training and Rehabilitation through Master Service Agreement #23928 with HAT Limited Partnership, dba Manpower.

## **B. Department of Administration – Purchasing Division**

Pursuant to NRS 333.705, subsection 1, the Department of Administration, Purchasing Division requests authority to contract with former employee Annette Ballew to assist with training a new incumbent Program Officer in architecture operations and project delivery methods for the Nevada Department of Transportation through Master Service Agreement #23927 with Marathon Staffing Group, Inc.

## **C. State Controller's Office**

Pursuant to NRS 333.705, subsection 1, the State Controller's Office requests authority to contract with former employee Tony Pilant to provide the required support and maintenance to the Advantage Financial system and associated applications.

**Governor:** Item number five, *Authorization to Contract with a Current and/or Former State Employee*.

**Clerk of the Board:** This item contains three requests to contract with former employees pursuant to Nevada Revised Statute (NRS) 333.705. The first item is from the Department of Administration, Purchasing Division to contract with a former employee to assist in processing a complex caseload of disability cases for the Department of Employment, Training and Rehabilitation through Master Service Agreement number 23928 with HAT Limited Partnership, dba Manpower. The duration of this contract is expected to be one year or through June 2023.

The second item is also from the Department of Administration, Purchasing Division to contract with a former employee to assist with training a new employee in architecture operations and project delivery methods for the Nevada Department of Transportation through Master Service Agreement number 23927 with Marathon Staffing Group, Inc. This individual will work part-time through June 2022.

The third item is from the State Controller's Office to contract with a former employee to provide necessary support and maintenance for the state's Advantage Financial system and associated applications. This individual will work part-time through June 2024.

Are there any questions on any of these items?

**Governor:** Does anyone have any questions on item number five, authorizing contracts for the former employees? Do I have a motion?

**Attorney General:** I move approval.

**Governor:** We have a motion for approval from General Ford. Is there any discussion on the motion? Hearing and seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

**6. Request for a Recommendation of Approval to the Interim Finance Committee for an Allocation Amount from the Contingency Account** (For possible action)

**Department of Business and Industry – Real Estate Division –  
Real Estate Administration**

Pursuant to NRS 353.268, the Department requests the Board's recommendation to the Interim Finance Committee for an allocation of \$103,611 from the Interim Finance Committee Contingency Account to cover projected costs for fiscal year 2022 related to reduced timeshare application fees.

**Governor:** Item number six, *Request for a Recommendation of Approval to the Interim Finance Committee for an Allocation Amount from the Contingency Account.*

**Clerk of the Board:** There is one item under agenda item six for a positive recommendation to the Interim Finance Committee (IFC) pursuant to NRS 353.268 for an allocation from the IFC Contingency Account. The current balance in this account is approximately \$18.4 million. This request is from the Department of Business and Industry, Real Estate Division, Administration for an allocation of \$103,611 from the IFC Contingency Account to cover projected expenditures for the remainder of fiscal year 2022. Are there any questions on this item?

**Governor:** Do we have any questions on item number six, requesting a recommendation to IFC for Contingency Account expenditures?

**Secretary of State:** No questions.

**Governor:** Do I have a motion?

**Attorney General:** I move approval.

**Governor:** We have a motion of approval from General Ford. Is there any discussion on the motion? Hearing and seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

**7. Approval of Proposed Leases** (For possible action)

**Governor:** Item number seven, *Approval of Proposed Leases.*

**Clerk of the Board:** There are four leases under agenda item seven today for approval by the Board. Are there any questions on any of these items?

**Governor:** No, I just wanted to point out that I appreciate the briefing that you gave me, Director but we are following these rent increases, right, to make sure that they are suitable as it relates to local jurisdictions and going rates?

**Clerk of the Board:** Yes, that is correct.

**Governor:** Any discussion or any question on item number seven? Do we have a motion on item number seven?

**Attorney General:** None. I move approval.

**Governor:** We have a motion for approval from General Ford. Is there any discussion on that motion? Hearing and seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

**8. Approval of Proposed Contracts** (For possible action)

**Governor:** Item number eight, *Approval of Proposed Contracts*.

**Clerk of the Board:** There are 37 contracts under agenda item eight today for approval by the Board. Are there any questions on these items?

**Governor:** I do not have any questions. Again, I appreciate your briefing on these items. Do we have any questions on item number eight?

**Secretary of State:** No, but Governor, I would like to thank your staff as well for the briefings. Thank you for the responses as well.

**Governor:** Thank you. Do I have a motion on item number eight?

**Attorney General:** I move approval, Mr. Governor.

**Governor:** We have a motion for approval from General Ford. Is there any discussion? Seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

**9. Approval of Proposed Master Service Agreements** (For possible action)

**Governor:** Item number nine, *Approval of Proposed Master Service Agreements*.

**Clerk of the Board:** There are 82 Master Service Agreements under agenda item nine for approval by the Board. Are there any questions on any of these items?

**Governor:** Do we have any questions on item number nine, Master Service Agreements? Hearing and seeing none. Do I have a motion on item number nine?

**Attorney General:** I move approval.

**Governor:** We have a motion for approval. Is there any discussion? Hearing and seeing none. All in favor, signify by saying aye. Are any opposed? The motion passes.

## 10. Information Item – Clerk of the Board Contracts

Pursuant to NRS 333.700, the Clerk of the Board may approve all contract transactions for amounts less than \$100,000. Per direction from the September 14, 2021 meeting of the Board of Examiners, the Board wished to receive an informational item listing all approvals applicable to the new threshold (\$10,000 - \$99,999). Attached is a list of all applicable approvals for contracts and amendments approved from March 23, 2022 through April 19, 2022.

**Governor:** Item number 10 is an information item. Do we have any questions on item number 10?

**Clerk of the Board:** I would just note that there are 83 items under agenda item 10. These are informational, contracts over \$10,000 and under the \$100,000 threshold that were approved by the Clerk of the Board between March 23, 2022 and April 19, 2022.

**Governor:** Do we have any questions on any of these items? Moving forward.

## 11. Information Item Reports

### Department of Motor Vehicles – Complete Streets Program

Pursuant to NRS 482.1825, subsection 2, the Department of Motor Vehicles shall certify to the State Board of Examiners the amount of the voluntary contributions collected for each county by the department and its agents and that the money has been distributed as provided in statute. This is the second quarter of fiscal year 2022 report for the period beginning January 1, 2022 and ending March 31, 2022.

**Governor:** Item number 11, *Information Item Reports*.

**Clerk of the Board:** Under item number 11 is an informational report from the Department of Motor Vehicles on the voluntary contributions collected by counties pursuant to NRS 482.480 known as the Complete Streets program. This report is for the quarter ending March 31, 2022. During this quarter, the department collected \$103,584 which is compared to \$106,779 in the same period last year and \$97,268 collected in the previous quarter. Of the amount collected, approximately 78.62% was from Clark County, just over 15% from Washoe County and 3%, each, from Carson City and Douglas County. Are there any questions on this item?

**Governor:** Do we have any questions on this item, item number 11 for Complete Streets.

**Attorney General:** None here.

**12. Public Comment** This public comment period is for any matter that is within the jurisdiction of the public body. No action may be taken upon a matter raised under this public comment period unless the matter itself has been specifically included on an agenda as an action item. The Chair of the Board has imposed a time limit of three minutes. Public comment may be provided in person or via telephone. To provide public comment via telephone, dial 775-321-6111. When prompted to provide the meeting ID, please enter 316 240 28#. When the Chair opens the public comment period, dial \*5 to request to be unmuted. To resolve any issues related to dialing in to provide public comment for this meeting, please call (775) 684-0222.

**Governor:** That moves us to item number 12, *Public Comment*. This is the second time set aside for public comment. Anyone wishing to address the Board on any item under this Board's jurisdiction, please step forward, identify yourself for the record and comments will be limited to three minutes. Do we have anybody in Las Vegas for the second public comment section? Do we have anybody in Carson City?

**Clerk of the Board:** We do have one.

**Public Comment:** Attachment B

**Governor:** Do we have any telephonic public comment?

**Clerk of the Board:** We do not.

**Governor:** Seeing and hearing none.

### **13. Adjournment**

**Governor:** We are adjourned. Thanks, everybody.



## **ATTACHMENT A**

**Andrew Laughlin:** I'd like to thank you for the opportunity to speak today. My name is Andrew. My water sports company, Outdoor Immersion Inc., which does business at Sand Harbor Rentals, has held your water sports concession at Sand Harbor for the past decade. We've been your original concessionaire for water sports at Sand Harbor since that contract was first offered. And in our time operating in the park, we've gotten tens of thousands of people paddling on the lake and earned the State of Nevada over \$1.5 million in concession fees. We did all this with an excellent safety record, excellent online reviews from the public and zero lawsuits, which is amazing considering the sheer volume of people that we took on kayaking adventures. I'm here today because during the recent RFP 70CNRS1887 process, my bid to retain this concession was taken out of the running due to a clerical error on the part of the state. After building this business from a startup that generated \$40,000 annually for the State of Nevada, to an established and respected business that earns the state \$300,000 annually, my proposal for this RFP wasn't even allowed to compete.

The required thousand-dollar bond check that I sent was lost or miscategorized in the offices and as a result my proposal was marked 'no bid' and taken out of the running. Despite multiple e-mails to Nancy Feser, the purchasing department employee in charge of the RFP in which I expressed my hope winning the RFP, I was not informed that there was any issue with my check or the bid submission until after the RFP process was over and a new company was announced as a concessionaire. Now I should note these emails to Nancy were sent long before the selection committee even met to decide the winner so, there was ample time for them to know that I was very, very interested. I didn't even get a phone call after a decade of reliable service and revenue earned for the state of Nevada. When I was later informed that this bond check was missing, I submitted the USPS tracking number and proved that it had been sent and the purchasing department was able to locate my missing check in their office but I was then informed that the purchasing department and the selection committee were unwilling to consider the proposal and bid that I submitted or revisit the RFP process because there was no guarantee that my proposal would have won.

Additionally, they told me, since my proposal was marked 'no bid,' that I would be ineligible to submit an appeal to the RFP outcome. And they pivot from their original statement that it was my missing check was the issue and said, I was the one that marked the proposal 'no bid.' This absolutely false and it's totally illogical that I would submit a 130-page proposal, letters of reference, a bond check, massive amounts of private financial information, and follow-up emails to the RFP administrator expressing my interest in winning all without the intention of bidding on this contract that's been my livelihood for the past 10 years. The business I've started from the ground up has been taken away from me due to a clerical error. My employees that have been with me for years have no jobs. Over \$250,000 of equipment is still in storage. I'm not a sore loser on this RFP process. I wasn't even given the chance to compete for the business that I built or even given a phone call or e-mail to let me know that there was an issue with the proposal that I'd spent months working on. My proposal was marked successfully submitted in the Nevada e-pro portal. I'd sent e-mails to the RFP administrator expressing my interest in winning the contract and it appeared to me that everything was in order. I'm asking the board to reconsider the selection committee's decision on this RFP and allow me to compete for the business that I built.

I have all the equipment, the employees, the marketing, and the website infrastructure ready to roll for this summer and I have a long history of operating a high-volume concession with an excellent safety record, whereas, the company that won, is a new company, that's never done that, to my knowledge. My bid for this RFP, and my previous bid for the concession contract that I've just completed, both, gave the State of Nevada a higher percentage of sales than the new company who was awarded the contract so, I would make the state more money. I've proven my reliability doing that. I believe, it's in your power to confirm or deny this RFP result today and until this RFP process can be redone with all eligible concessionaire candidates, please let me operate my business, maintain my livelihood and continue serving in the State of Nevada.

## **ATTACHMENT B**

**Andrew Laughlin:** Guess there's no discussion on what I said before. That's it?

**Governor:** I got the letter and read the letter, as I'm sure my Board colleagues did, but there was no discussion on the item.

**Andrew Laughlin:** Okay.

**Governor:** Thank you, sir.