MINERAL COUNTY SCHOOL DISTRICT
751 A. STREET
Hawthorne, Nevada 89415
POLICY COMMITTEE MEETING
Tuesday, March 11, 2025

RECVD MINONTY CLERK
MAR 6 '25 AM8:39

LOCATION OF MEETING: **Arlo K. Funk District Services Center**
751 A Street
Hawthorne, Nevada

CALL TO ORDER: 5:30 PM

1. Certification of Public Notice, Roll Call, and Pledge of Allegiance
2. Flexible Agenda

ACTION ITEMS: (FOR POSSIBLE ACTION)

There will be an opportunity for public comment on each Action Item following Board discussion on the item and before the Board makes a motion on the item. You may request to speak by raising your hand during the Public Comment period or by completing a Request to Address the MCSD Board form prior to the Public Comment period. Those who submit the form will normally be called on first. Speaking time will be limited to a maximum of 3 minutes. The President may allow additional time to a given speaker as time allows and in his/her discretion.

1. Review of the following Policies:
    1. **GBB/GBB1 - Fair Employment Practices**
    2. **GBB2 - Prevention of Sexual Micsconduct Toward Students, Mandatory Reporting of Child Abuse, Child Neglect, ~~or Violence~~ and Corporal Punishment**
    3. **GBB4 - Employee Bullying**
    4. **GBB27 - Nondiscrimination on the Basis of Sex Under Title IX**
    5. **GBB28 - Discrimination Based on Race, Student Bullying, and Cyberbullying - Safe and Respectful Learning Environment**
    6. **DJC - Bidding Requirements**

GENERAL PUBLIC COMMENT:

It is the School Board's intention to listen and be responsive to the public's concerns. Comments from the public regarding topics not on the agenda are invited at this time. You may request to speak by raising your hand during the General Public comment period or by completing a Request to Address the MCSD Board form prior to the General Public Comment period. The Board may discuss items that are introduced, however, by law, the Board cannot take any action, reach a consensus or hear personal attacks at this time. Those who submit the form will normally be called on first. Speaking time will be limited to a maximum of 3 minutes. The President may allow additional time to a given speaker as time allows and in his/her discretion.

ADJOURNMENT:

The Agenda of this meeting has been posted at the following locations: 1) Administration Office, 2) Hawthorne Post Office, 3) Mineral County Independent News Office, 4) Schurz Post Office, 5) Mina Post Office, 6) County Courthouse 7) School Offices.
Mineral County School District is pleased to provide accommodations for individuals with disabilities. If you have a disability, please let us know, and we will provide assistance or accommodate you in any way that we possibly can.
Copies of agenda and supporting material may be picked up at the Mineral County School District Arlo K. Funk District Services Center, 751 A. Street, Hawthorne, Nevada, or by contacting Crystal Sasser at (775) 945-2403, prior to the scheduled meeting.

GBB/GBB1

Code: GBB/GBB1
Adopted: 03/10
Revised: March 18, 2025

GBB EMPLOYEE RELATIONS

Fair Employment Practices

The District recognizes the fundamental rights of applicants and employees to be assessed on the basis of merit. Recognition of seniority and current employment with the District may also be considered. Therefore, it is the policy of the District to provide equal employment opportunity for all applicants and employees. The District does not sanction or tolerate discrimination in any form on the basis of any protected class including race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, disability, genetic information, veteran status, domestic partnership, political affiliation, membership in the Nevada National Guard, victims of domestic violence or sexual assault, or any other class that becomes protected by federal and/or state law.

If the alleged discrimination could constitute sexual harassment under Title IX, the *Nondiscrimination on the Basis of Sex Under Title IX* policy and administrative regulations apply rather than the *Fair Employment Practices* policy and administrative regulations.

The District will:

1. Recruit, hire, train, ~~and~~ promote for all job classifications, discharge, and discipline without regard to protected class membership ~~to race, color, religion, age, gender, pregnancy, sexual orientation, national origin, ancestry, veteran status, genetic information, domestic partnership, or disability,~~ as well as to ensure that all compensation, benefits, transfers, layoffs, return from layoffs, District sponsored training, social, and recreation programs will be administered in conformance with the District's policy.

2. Comply with all applicable laws prohibiting discrimination in employment including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Employment Opportunity Act of 1972, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act, as amended, the Genetic Information Nondiscrimination Act of 2008, the applicable Nevada Revised Statutes on Equal Employment Opportunity (NRS 613), and any other applicable federal, state, and local statutory provisions.

3. Provide reasonable accommodation wherever the need for such is known by the District and/or the applicant or employee indicates a need for such reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose a threat to the safety of him/herself or others as required by law or statute.

4. Hold all administrators or managers/supervisors responsible for ensuring personnel policies, guidelines, practices, procedures, and activities are in compliance with federal and state fair employment practices, statutes, rules, and regulations.

~~Reference: NRS 613~~

GBB2

Code: GBB2
Adopted: March 5, 2019
Revised: March 18, 2025

Prevention of Sexual Misconduct Toward Students, Mandatory Reporting of Child Abuse, Child Neglect, ~~or Violence~~ and Corporal Punishment

The District prohibits and will not tolerate any form of sexual misconduct (including lewdness, sexual abuse, sexual molestation, ~~and~~ sexual harassment, and luring of ~~other persons,~~ a child) child abuse, child neglect, or ~~violence~~ corporal punishment toward ~~any person (adults or~~ students (regardless of age) on the part of district employees, administrators, officials, volunteers, or third parties.

This policy expands upon, and is established in addition to, the District policy on anti-harassment. Because the District has a particular interest in maintaining ~~both adult and~~ student safety and well-being, it has established this additional policy to specifically address sexual misconduct, child abuse, child neglect, ~~or violence toward any person adults or~~ and corporal punishment toward students.

If the alleged discrimination could constitute sexual harassment under Title IX, the *Nondiscrimination on the Basis of Sex Under Title IX* policy and administrative regulations apply rather than the *Prevention of Sexual Misconduct Toward Students, Mandatory Reporting of Child Abuse or Neglect, and Corporal Punishment* policy and administrative regulations.

GBB4

Code: GBB4
Adopted: 12/08
Revised: March 18, 2025

Employee Bullying

~~GBB4. Employee, Board Member, Public Bullying (Revised 12/08)~~

~~The District defines bullying as repeated, inappropriate behavior, either direct or indirect, verbal, physical or otherwise, conducted by one or more persons against another or others, in the course of employment.~~

~~The purpose of this policy is to communicate to all employees, including supervisors and managers, that the District will not tolerate bullying behavior. Employees found in violation of this policy may be subject to disciplinary action. Members of the public found to be violating this policy may be removed from premises and subject to trespass orders.~~

~~Prohibited Conduct:~~

~~The District considers the following types of behavior examples of bullying (this list is not all-inclusive):~~

~~a. *Verbal Bullying*: Slandering, ridiculing or maligning an employee or his/her family; persistent name calling which is hurtful, insulting, or humiliating; yelling, screaming, and cursing; chronic teasing; belittling opinions or constant criticism.~~

~~a. *Physical Bullying*: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to an employee's work area or property.~~

~~b. *Nonverbal Bullying*: Nonverbal threatening gestures or glances which convey threatening messages; threatening actions; socially or physically excluding or disregarding a person in a work-related activity.~~

~~c. *Cyber Bullying*: Repeatedly tormenting, threatening, harassing, humiliating, embarrassing or otherwise targeting an employee using email, instant messaging, text messaging, or any other type of digital technology.~~

~~d. *Workplace Interference*: Sabotaging which prevents work from getting done; deliberately tampering with a person's work area or property; assigning menial tasks outside of a person's normal job duties.~~

The District is committed to a safe and respectful learning and work environment free from bullying. The District prohibits a member of the board of trustees, any employee of the District, including, without limitation, an administrator, principal, teacher, or other staff member or volunteer from engaging in bullying. The District will promptly investigate the allegations and will take disciplinary action when appropriate.

If the alleged bullying could constitute sexual harassment under Title IX, the GBB27 policy and administrative regulations apply rather than the GBB4 policy and administrative regulations.

It is the intent of this policy that all employees and volunteers of the District are entitled to maintain their own beliefs and to disagree respectfully without resorting to violence or bullying. This policy does not advocate nor require the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but does require that all persons with differing beliefs be free from harassment and abuse.

The superintendent shall use all reasonable means to inform employees that the District will not tolerate bullying. The superintendent will provide for the appropriate training of all employees employed by this District.

The District prohibits retaliation against any employees or volunteers because they made a report of bullying or because they testified, assisted, or participated in the investigation of such a report. Such retaliation is a violation of this policy prohibiting bullying and the District will take disciplinary action when appropriate. This policy applies to all employees, including full-time, part-time, casual/temporary/seasonal, elected officials, as well as volunteers and contract employees, and anyone else on the District's property.

GBB27

Code: GBB27
Adopted: March 18, 2025

Nondiscrimination on the Basis of Sex Under Title IX

1. Notice of Nondiscrimination on the Basis of Sex Under Title IX

   The District does not discriminate on the basis of sex in the education program and activity it operates. Title IX prohibits sex-based discrimination, including sexual harassment, in violation of Title IX of the Education Amendments of 1972. Title IX provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any school district education program or activity. The school district is required by Title IX not to discriminate in such a manner. Title IX applies to any school district education program or activity, whether such program or activity occurs on-campus or off-campus. The requirement not to discriminate in the school district's program or activity extends to employment.

   Sexual harassment by school employees is considered grounds for disciplinary action, up to and including termination. Sexual harassment by students is considered grounds for disciplinary action, up to and including expulsion.

2. Sexual Harassment Defined Under Title IX

   Sexual harassment is defined under the federal Title IX regulations as conduct on the basis of sex that satisfies one or more of the following:

   - A school employee, agent, or other person authorized by the District to provide an aid, benefit or service under the District's education program or activity explicitly or impliedly conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (i.e., *quid pro quo*); or
   - Unwelcome sex-based conduct determined by a reasonable person to be so severe, or pervasive, and is subjectively and objectively offensive that it limits or denies a person's ability to participate in or benefit from equal access to the District's education program or activity; or
   - Sexual assault as defined in the federal Clery Act, or dating violence, domestic violence, or stalking as defined in the federal Violence Against Women Act (VAWA).

3. Reports and Complaints of Sexual Harassment

   The District must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Notice to a Title IX Coordinator or notice to an official with authority to institute corrective measures on the District's behalf or notice to any District employee charges a school with actual knowledge and triggers the District's response obligations.

   Because the District must respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment, all District employees are required to report possible incidents of sexual harassment involving students and/or employees directly to the District's Title IX Coordinator as soon as practicable, but not later than a time during the same day on which the employee became aware of an incident of sexual harassment, including

allegations of sexual harassment. Reports by District employees must be made in person, by telephone, and/or by email. Failure to report such incidents may result in disciplinary action.

Any person other than a District employee may report sexual harassment including allegations of sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual harassment) in person, by mail, by telephone, or by email, using the contact information listed below for the District's Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

A report of sexual harassment may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

The District has designated the following employee to coordinate its efforts to comply with Title IX. The District's Title IX Coordinator is:

Human Resource Manager/Title IX Coordinator
Mineral County School District
751 A Street
P.O. Box 1540
Hawthorne, NV 89415
775-945-2403
www.nvmcsd.org

The District notifies applicants for employment, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the District, of the name or title, office address, email address, and telephone number of the District's Title IX Coordinator.

The contact information for the Title IX Coordinator will be prominently displayed on the District's website and on the websites for each school in the district.

Inquiries about the application of Title IX to the District may be referred to the District's Title IX Coordinator, or to the Assistant Secretary for Civil Rights of the U.S. DOE, 400 Maryland Ave., S.W., Washington, D.C. 20202, or both.

4. Title IX Sexual Harassment Mandatory Response Obligations

The District will respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. The District has the following mandatory response obligations:

- The District will offer supportive measures to the person alleged to be the victim (referred to throughout as the "complainant" whether or not that is the person who reported the sexual harassment or allegation of sexual harassment).
- The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to

supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

- The District will follow a grievance process that complies with Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- The District will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
- The District will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
- A complainant's wishes with respect to whether the District investigates will be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
- If the allegations in a formal complaint do not meet the definition of sexual harassment under Title IX, or did not occur in the District's education program or activity against a person in the United States, the District will dismiss such allegations for purposes of Title IX but may still address the allegations in any manner the District deems appropriate under the Districts code of conduct.

5. Title IX Sexual Harassment Grievance Process

The District has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that would constitute sexual harassment under Title IX, and a grievance process for resolving formal complaints of sexual harassment. The grievance process incorporates these requirements:

- The District treats complainants equitably by providing remedies any time a respondent is found responsible, and treats respondents equitably by not imposing disciplinary sanctions without following the grievance process.

- The District provides remedies, which are required to be provided to a complainant when a respondent is found responsible, that are designed to maintain the complainant's equal access to education and may include the same individualized services described as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

- The District requires objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoids credibility determinations based on a person's status as a complainant, respondent, or witness.

- The District requires Title IX personnel (e.g., Title IX Coordinator, investigators, decision-makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.

- The District provides training of Title IX personnel to include training on the definition of sexual harassment in Title IX regulations, the scope of the District's education program or activity, how to conduct an investigation and how to conduct hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

- The District provides training of decision-makers and investigators to include training on issues of relevance, including how to apply the rape shield protections provided only for complainants.
- The District includes a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- The District posts materials used to train Title IX personnel on its website.
- The District includes reasonably prompt time frames for concluding the grievance process, including appeals and informal resolutions, with allowance for temporary, short-term, good cause delays or extensions of the time frames.
- The District describes the range, or list, of the possible remedies that may be provided to a complainant and disciplinary sanctions that may be imposed on a respondent, following determinations of responsibility.
- The District has chosen to use the preponderance of the evidence standard for all formal complaints of sexual harassment (including where employees are respondents).
- The District has described its appeal procedures, and the range of supportive measures available to complainants and respondents.
- The District's grievance process does not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices other than those required by Title IX regulations that the District has adopted as part of its grievance process for handling formal complaints of sexual harassment apply equally to both parties.

All reports and complaints of sexual harassment in violation of Title IX will be addressed through the grievance process described below. See, *Nondiscrimination On The Basis Of Sex Under Title IX – Administrative Regulation.*

6. Related Policies and Administrative Regulations

This policy and administrative regulation address sexual harassment as that term is defined under Title IX. The District also prohibits bullying and cyberbullying as those terms are defined under Nevada Revised Statutes (NRS) 388.121 *et seq.* ("Provision of Safe and Respectful Learning Environment"). The prohibitions on bullying and cyberbullying and procedures to address conduct that does not include sexual harassment as defined under Title IX are addressed in *Discrimination Based on Race, Student Bullying, and Cyberbullying – Safe and Respectful Learning Environment* policy and *Employee Bullying* policy.

The district also prohibits employee bullying, harassment, sexual harassment, intimidation, discrimination and/or retaliation. The prohibitions and grievance procedures for this conduct that does not include sexual harassment as defined under Title IX are addressed in *Fair Employment Practices* policy and *Prevention of Sexual Misconduct Toward Students Mandatory Reporting of Child Abuse or Neglect, and Corporal Punishment* policy.

If an employee or volunteer has reasonable cause to believe that sexual harassment in violation of Title IX arises to abuse or neglect under NRS 432B and/or NRS 392.275 *et seq.*, such misconduct will be reported to law enforcement officials and/or Child Protective Service agency personnel in accordance with the procedures set forth in Board policies and regulations concerning mandatory reporting. These procedures are addressed in *Prevention of Sexual Misconduct Toward Students Mandatory Reporting of Child Abuse or Neglect, and Corporal Punishment* policy.

GBB28

Code: **GBB28**
Adopted: **March 18, 2025**

Discrimination Based on Race, Student Bullying, and Cyberbullying – Safe and Respectful Learning Environment

The District is committed to a safe and respectful learning environment free from bullying and cyberbullying. The District prohibits a member of the board of trustees, any employee of the board of trustees, including, without limitation, an administrator, principal, teacher, or other staff member, volunteer, or any student from engaging in discrimination based on race, bullying, or cyberbullying of a student on the premises of any public school, at an activity sponsored by a public school or on any school bus. The District will promptly investigate allegations of such misconduct in accordance with state law and will take disciplinary action when appropriate.

If the alleged bullying or cyberbullying based on sex could constitute sexual harassment under Title IX, the *Nondiscrimination on the Basis of Sex Under Title IX* policy and administrative regulations apply rather than the *Discrimination Based on Race, Student Bullying, and Cyberbullying – Safe and Respect Learning Environment* policy and administrative regulations.

It is the intent of this policy that all students in the District are entitled to maintain their own beliefs and to disagree respectfully without resorting to violence, discrimination based on race, bullying, or cyberbullying. This policy does not advocate nor require the acceptance of differing beliefs in a manner that would inhibit the freedom of expression, but does require that all students with differing beliefs be free from harassment and abuse.

The superintendent shall use all reasonable means to inform students, employees, and parents/guardians that the District will not tolerate discrimination based on race, bullying, or cyberbullying. The superintendent will provide for the appropriate training of all administrators, principals, teachers, and all other personnel employed by this District. The superintendent will provide for age-appropriate methods of discussing the meaning and substance of this policy with students.

The District prohibits retaliation against any employees or students because they made a report of discrimination based on race, bullying, or cyberbullying, or because they testified, assisted, or participated in the investigation of such a report. Such retaliation is a violation of this policy prohibiting discrimination based on race, bullying, and cyberbullying, and the District will take disciplinary action when appropriate.

No cause of action may be brought against a student or an employee or volunteer of a school who reports a violation of NRS 388.135 unless the person who made the report acted with malice, intentional misconduct, gross negligence, or intentional or knowing violation of the law.

DJC

Code: DJC
Adopted: June 24, 2006
Revised: May 16, 2023
Revised: March 18, 2025

Bidding Requirements

The Purposes of this policy, a "bid" refers to the formal process to solicit estimates from vendors based on a specified set of criteria. The District may seek less formal estimates through phone calls, catalogs, sales literature, requests for written estimates or quotes, or more formal means if necessary.
Unless otherwise excluded by NRS 332.115 the District or its authorized representative shall follow the following criteria with respect to bid requirements:

Purchases from $0 to $49,999
No bid requirements
District authorized representatives must seek to purchase items through the most economical means.
Superintendent has authority to purchase items up to ~~$25,000~~ $49,999.
(Please see Federal Purchasing Requirements)

Purchases of $50,000 or more
The District will follow bid requirements pursuant to NRS 332.063 and other provisions of NRS. 332 that apply.

Purchases of $100,000 or more
The District will follow bid requirements pursuant to NRS 332.065 and other provisions of NRS.332 that apply.

This section does not prohibit the District or its authorized representatives from advertising for or requesting bids regardless of the estimated annual amount required to perform the contract.

When competitive bids are required, they shall be submitted in writing and presented in a sealed envelope. Receipt of such bids shall be at the place, date and time designated in the notice of publication.

The Superintendent or its authorized representative shall maintain a record of all requests for bids and all bids received for the contract for at least 7 years after the date of execution of the contract. (NRS.332.091)

Dividing the total purchase price among several purchase orders to avoid the requirements of this policy and NRS.332 will not be allowed. Any proposal for leasing must have prior Board approval.

Code: DJC
Adopted: June 24, 2006
Revised: May 16, 2023

All bid advertisements must be reviewed and approved by the Finance Officer prior to placement. All bids involving facilities, transportation, and maintenance must also be reviewed and approved by the director of Maintenance and Transportation prior to placement.

Pursuant to NRS 332.195 with respect to on-line bidding. The District or its authorized representatives may use on-line bidding to receive bids submitted in response to a request for bids but shall not use on-line bidding as the exclusive means of receiving bids.

Pursuant to NRS 332.195 the District or its authorized representative(s) may join or use the contracts of the State or another State and other local governments located within or outside this State with the authorization of the contracting vendor.

Awarding bids will be done in accordance with Nevada Revised Statutes (NRS 332.065)

Any or all bids received in response to a request for bids may be rejected by the District if it is either determined that any bidder is not responsive or responsible or that the quality of the services, supplies, materials, equipment or labor offered does not conform to requirements or if the public interest would be served by such a rejection. Acceptance of any bid is also contingent upon bidder being in good standing with the Secretary of State of Nevada and upon the bidder not being included on the debarment list in SAM.

When a local merchant's quotations for materials or services are competitive with out of the area businesses, the Board prefers to purchase from the established local merchant with the district, provided the local merchant is properly licensed through the State of Nevada.

Competitive bidding is not required for emergency contracts per Nevada Revised Statutes (NRS 332). Unless otherwise provided by NRS, an emergency is a result of a disaster such as, but not limited to fire, flood, hurricane, riot, power outage, or disease.

The Superintendent has authority to approve emergency purchase orders when deemed necessary for the continued operation of the district. A purchase order must have a clear statement to explain why the purchase must be considered an emergency and must be reported to the Board at the next public meeting.

Exceptions to Requirements for Competitive Bidding

Contracts that, by their nature, are not adapted to award by competitive bidding may not be subject to competitive bidding
requirements. The District will follow the provisions in NRS 332.112 through NRS 332.148 governing these exceptions. This includes, but is not limited, to the following categories which may be further defined by NRS:

1. Items which may only be contracted from a sole source;
2. Professional services;
3. Additions to and repairs and maintenance of equipment which may be more efficiently added to, repaired or maintained by a certain person;
4. Equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the local government is compatible with existing equipment;
5. Perishable goods;
6. Insurance;
7. Hardware and associated peripheral equipment and devices for computers;
8. Software for computers;
9. Books, library materials and subscriptions;
10. Supplies, materials or equipment that are available pursuant to an agreement with a vendor that has entered into an agreement with the General Services Administration or another governmental agency located within or outside this State;
11. Items for resale through a retail outlet operated in this State by a local government or the State of Nevada;
12. Goods or services purchased from organizations or agencies whose primary purpose is the training and employment of persons with disabilities; and
13. The design of, and equipment and services associated with, systems of communication,
14. Emergency contracts as defined by NRS 332.112

END OF POLICY

Legal Reference(s): NRS 332

NRS 332.063 Contracts for which estimated annual amount required to perform is more than $50,000 but not more than $100,000: Solicitation of responses; permissive advertisement; award.

1. Except as otherwise provided by specific statute, if the estimated annual amount required to perform a contract is more than $50,000 but not more than $100,000, the governing body or its authorized representative:

(a) Shall solicit responses from two or more persons capable of performing the contract, if such persons are available; and

(b) May advertise the contract in the manner prescribed in NRS 332.045.

2. The governing body or its authorized representative shall award such a contract on the basis of price, taking into account the minimum requirements of a responding offeror prescribed in the solicitation pursuant to NRS 332.043 and the method prescribed in that solicitation for awarding the contract.

(Added to NRS by 2019, 767)

NRS 332.065 Contracts for which estimated annual amount required to perform is more than $100,000: Advertisement required; permissive solicitation; award; prohibition on entering without certification relating to certain boycotts of Israel.

1. Except as otherwise provided by specific statute, if the estimated annual amount required to perform a contract is more than $100,000, the governing body or its authorized representative:

(a) Shall advertise the contract in the manner prescribed in NRS 332.045; and
(b) May issue a solicitation for the contract.

2. If the estimated annual amount to perform a contract is more than $100,000 and the method for obtaining the contract designated in the solicitation is an invitation to bid, the governing body or its authorized representative must, except as otherwise provided by specific statute, award the contract to the lowest responsive and responsible bidder. The lowest responsive and responsible bidder may be judged on the basis of:

(a) Price;
(b) Conformance to specifications;
(c) Qualifications of the bidder, including, without limitation:
  (1) The possession of or limit on any required license of the bidder;
  (2) The financial responsibility of the bidder;
  (3) The experience of the bidder; and
  (4) The ability of the bidder to perform the contract;
(d) Adequacy of the equipment of the bidder;
(e) Past performance;
(f) Performance schedule or delivery date;
(g) If the contract requires the delivery of goods, the total cost of ownership of the goods;
(h) If the contract requires the delivery of goods, the purpose for which the goods to be supplied are required;
(i) The best interests of the public; and
(j) Such other criteria as may be set forth by the governing body or its authorized representative in the advertisement or solicitation, as applicable, that pertains to the contract.

Ê If after the lowest responsive and responsible bidder has been awarded the contract, during the term of the contract he or she does not perform in accordance with the bid specifications, or if he or she repudiates the contract, the governing body or its authorized representative may award the contract to the next lowest responsive and responsible bidder without requiring that new bids be submitted. Awarding the contract to the next lowest responsive and responsible bidder is not a waiver of any liability of the initial bidder awarded the contract.

3. Except as otherwise provided by specific statute, if the estimated annual amount to perform a contract is more than $100,000 and the method for obtaining the contract designated in the solicitation is a method other than an invitation to bid, the governing body or its authorized representative shall award such a contract taking into account the minimum requirements for a responding offeror prescribed in the solicitation pursuant to NRS 332.043 and the method prescribed in that solicitation for awarding the contract.

4. A governing body or its authorized representative shall not enter into a contract pursuant to this section with a company unless the contract includes a written certification that the company is not currently engaged in, and agrees for the duration of the contract not to engage in, a boycott of Israel.

5. As used in this section:

(a) "Boycott of Israel":

(1) Means, except as otherwise provided in subparagraph (2), refusing to deal or conduct business with, abstaining from dealing or conducting business with, terminating business or business activities with or performing any other action that is intended to limit commercial relations with:

(I) Israel; or

(II) A person or entity doing business in Israel or in territories controlled by Israel,

Ê if such an action is taken in a manner that discriminates on the basis of nationality, national origin or religion.

(2) Does not include an action that is described in subparagraph (1) if the action:

(I) Is based on a bona fide business or economic reason;

(II) Is taken pursuant to a boycott against a public entity of Israel if the boycott is applied in a nondiscriminatory manner; or

(III) Is taken in compliance with or adherence to calls for a boycott of Israel if that action is authorized in 50 U.S.C. § 4607 or any other federal or state law.

(b) "Company" means any domestic or foreign sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited-liability partnership, limited-liability company, or other domestic or foreign entity or business association, including, without limitation, any wholly owned subsidiary, majority owned subsidiary, parent company or affiliate of such an entity or business association, that exists for the purpose of making a profit.

(c) "Total cost of ownership" includes, without limitation:

(1) The history of maintenance and repair of the goods;

(2) The cost of routine maintenance and repair of the goods;

(3) Any warranties provided in connection with the goods;

(4) The cost of replacement parts for the goods; and

(5) The value of the goods as used goods when given in trade on a subsequent purchase.

(Added to NRS by 1975, 1537; A 1991, 375, 1673, 2191; 1999, 1683; 2001, 1315; 2003, 618; 2005, 2553; 2017, 1610, 1611; 2019, 769)

NRS 332.091 Maintenance of records of solicitations and responses. A governing body or its authorized representative shall maintain a record of each solicitation and response to a solicitation for at least 7 years after the date of execution of the contract.

(Added to NRS by 2019, 766)