

NEVADA DEPARTMENT OF TRANSPORTATION
Unsolicited Proposal Procedures
As of May 5, 2010

Purpose: The purpose of these Unsolicited Proposal Procedures is to provide uniform guidance to parties who may be considering submitting Unsolicited Proposals to the Nevada Department of Transportation (DEPARTMENT).

Guidelines:

NRS Sections 408.5471 through 408.549 grants the DEPARTMENT the authority to accept unsolicited proposals for transportation facilities (Unsolicited Proposal) as defined within the statute. NRS Section 408.548 requires the DEPARTMENT to adopt Rules and Regulations as a prerequisite to accepting Unsolicited Proposals. On April 19, 2010, these rules and regulations were adopted pursuant to NRS 408.548 and NRS Chapter 233B into the Nevada Administrative Code (NAC) Chapter 408.

NRS 408.5475 sets forth the minimum requirements of an Unsolicited Proposal. NRS 408.5475(2)(j) requires a proposer to submit other information as required by the DEPARTMENT. NRS 408.5483(4) requires the DEPARTMENT to charge a reasonable administration fee to cover its cost of evaluating Unsolicited Proposals.

The DEPARTMENT will accept the filing of Unsolicited Proposals subject to the following procedures:

1. 5 bound copies, plus 5 CDs, of Unsolicited Proposals shall be delivered in a sealed box or boxes to the DEPARTMENT at the following address:

Nevada Department of Transportation
Pioneer Program
Administrative Services Division
1263 South Stewart Street, Room 101
Carson City, NV 89712

The DEPARTMENT reserves the right to request additional copies should the DEPARTMENT decide that additional copies of the Unsolicited Proposal are necessary for it to complete its review of the submittal.

2. Pursuant to NRS 408.5475 an Unsolicited Proposal must include, at a minimum, the following information:
 - a. A topographic map indicating the location of the transportation facility.

- b. A description of the transportation facility, including, without limitation, the conceptual design of the transportation facility and all proposed interconnections with other transportation facilities.
- c. The projected total cost of the transportation facility over its life and the proposed date for the development of or the commencement of the construction of, or improvements to, the transportation facility.
- d. A statement setting forth the method by which the person submitting the request proposes to secure all property interests required for the transportation facility. The statement must include, without limitation:
 - i. The names and addresses, if known, of the current owners of any property needed for the transportation facility;
 - ii. The nature of the property interests to be acquired; and
 - iii. Any property that the person submitting the request proposes that the DEPARTMENT acquire.
- e. Information relating to the current transportation plans, if any, of any governmental entity in the jurisdiction of which any portion of the transportation facility is located.
- f. A list of all permits and approvals required for the development or construction of or improvement to the transportation facility from local, state or federal agencies and a projected schedule for obtaining those permits and approvals.
- g. A list of the facilities of any utility or existing transportation facility that will be crossed by the transportation facility and a statement of the plans of the person submitting the request to accommodate such crossings.
- h. A statement setting forth the general plans of the person submitting the request for financing and operating the transportation facility, which must include, without limitation:
 - i. A plan for the development, financing and operation of the transportation facility, including, without limitation, an indication of the proposed sources of money for the development and operation of the transportation facility, the anticipated use of such money and the anticipated schedule for the receipt of such money;
 - ii. A list of any assumptions made by the person about the anticipated use of the transportation facility, including, without limitation, the fees that will be charged for the use of the transportation facility, and a discussion of those assumptions;
 - iii. The identification of any risk factors identified by the person submitting the request that are associated with developing, constructing or improving the transportation facility and the plan for addressing those risk factors;
 - iv. The identification of any local, state or federal resources that the person anticipates requesting for development and operation of the transportation facility, including, without limitation, an anticipated schedule for the receipt of those resources and the effect of those

- resources on any statewide or regional program for the improvement of transportation; and
- v. The identification and analysis of any costs or benefits associated with the proposed facility, performed by a professional engineer who is licensed pursuant to [chapter 625](#) of NRS.
 - i. The names and addresses of the persons who may be contacted for further information concerning the request.
 - j. Any additional material and information that the DEPARTMENT may request which shall include:
 - i. The full and legal name of the proposer. If the proposer is a consortium, joint venture, or partnership, the Unsolicited Proposal shall identify each of the members of the consortium, joint venture, or partnership.
 - ii. The proposal shall identify any construction firms, engineering firms, legal advisors, financial advisors, operators, or other significant consultants or contractors involved in the proposal.
3. Department may use proprietary information or intellectual property contained in an unsolicited proposal as part of a request for proposals or request for qualifications and may award a contract based on that request for proposals or request for qualifications to a proposer other than the proposer who submitted the unsolicited proposal. The Department will not release to a third party, or otherwise make public, any financial information submitted by a proposer.
 4. Pursuant to NRS 408.5483.4 the DEPARTMENT may charge a reasonable fee to cover the processing, reviewing, and evaluating a request or proposal submitted pursuant to NRS 408.5475 or 408.548.
 - a. The administration fee shall be made up of two parts, an application fee in the amount of \$5,000 and a review fee in the amount of \$30,000.
 - b. Both parts of the application fee shall be submitted in the form of cashier's checks from a bank authorized to do business in the State of Nevada and made payable to the Nevada Department of Transportation.
 - c. The administration fee shall be included with the Unsolicited Proposal in two clearly marked separate sealed envelopes.
 - d. Failure to include the administration fee shall result in the Unsolicited Proposal being returned to the proposer.
 - e. The application fee shall be used for the completeness review described in Section 5 below.
 - f. Should the DEPARTMENT commence the review described in Section 6, the review fee shall be retained by the DEPARTMENT.
 - g. The DEPARTMENT reserves the right to change the administrative fee at its discretion.
 5. The submittal shall contain an executive summary, not greater than 5 pages, generally describing the improvements involved, the location of the improvements, and anticipated benefit to the state, regional, and/or local transportation networks.

- a. The executive summary shall identify the proposer. If the proposer is a consortium, joint venture, or partnership, the executive summary shall identify each of the members of the consortium, joint venture, or partnership.
 - b. The executive summary shall identify any construction firms, engineering firms, legal advisors, financial advisors, operators, or other significant consultants or contractors involved in the proposal.
 - c. Upon review of an Unsolicited Proposal, the DEPARTMENT shall publish the executive summary on its website.
6. Upon receipt of an unsolicited proposal, the DEPARTMENT shall conduct a completeness review to ensure that the Unsolicited Proposal meets the statutory requirements, including those set forth in Section 2 above. The DEPARTMENT may, at its discretion request the proposer to correct minor deficiencies in the Unsolicited Proposal. Failure of the proposer to correct such deficiencies within the time period requested by the DEPARTMENT shall be deemed as the proposer withdrawing the Unsolicited Proposal and the review fee shall be returned to the proposer. In such event the application fee shall be retained by the DEPARTMENT.
7. The DEPARTMENT shall review all Unsolicited Proposals which are deemed to be complete pursuant to Sections 2 and 5 above and as contemplated and subject to the limitations and requirements set forth in NRS Sections 408.5471 through 408.549 and its accompanying regulations. In connection with such review, the review fee shall be retained by the DEPARTMENT. At the DEPARTMENT's discretion, it may ask the proposer to meet with the DEPARTMENT to explain the Unsolicited Proposal.
8. The DEPARTMENT shall undertake those steps and analysis it deems appropriate during the review period.
9. At any time, the DEPARTMENT may reject an Unsolicited Proposal at its sole discretion. Such decision shall be final.
10. These procedures may be changed from time to time at the DEPARTMENT's discretion.