



**CHURCHILL COUNTY COMMISSIONERS  
CC COMMUNICATIONS MANAGEMENT  
CHURCHILL COUNTY, NEVADA**

50 W. Williams Ave  
Mailing Address PO Box 1390  
Fallon, Nevada 89407  
(775) 423-7171 Ext. 1215  
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Contact Person: Shelly Bunyard, Administrative Assistant  
E-mail: [shelly.bunyard@cccomm.co](mailto:shelly.bunyard@cccomm.co)

**\*\*\*\*NOTICE OF PUBLIC MEETING\*\*\*\***

**AGENDA**  
**PLEASE POST**

**PLACE OF MEETING:** Churchill County Administrative Building, Commission Chambers,  
155 North Taylor Street Suite 145, Fallon, Nevada

**DATE & TIME:** September 16, 2020 at 10:30 AM

**TYPE OF MEETING:** Special CC Communications Management Meeting

**Join Zoom Meeting**

<https://us02web.zoom.us/j/84150908864?pwd=Vk5rYkNNL1dSZEI3RFBzWW1aMW9vdz09>

**Meeting ID: 841 5090 8864**

**Passcode: 155788**

**Call In Number – 1-669-900-6833**

**PLEASE MUTE YOUR AUDIO UPON JOINING AND DO NOT PLACE THE CALL ON  
HOLD.**

PLEASE NOTE: If you attend the meeting at the physical location, you are required to wear a mask and practice social distancing.

**Notes:**

- I. These meetings are subject to the provisions of Nevada Open Meeting Law (NRS Chapter 241). Except as otherwise provided for by law, these meetings are open and public.***

- II. *Action will be taken on all Agenda items, unless otherwise noted.*
- III. *The Agenda is a tentative schedule. The CC Communications Management may act upon Agenda items in a different order than is stated in this notice – so as to affect the people’s business in the most efficient manner possible.*
- IV. *In the interest of time, the CC Communications Management reserves the right to impose uniform time limits upon matters devoted to public comment.*
- V. *Any statement made by a member of the Board of CC Communications during the public meeting is absolutely privileged.*

**AGENDA:**

- 1. **Call to Order.**
- 2. **Public Comment.**
- 3. **Verification of Posting of Agenda.**
- 4. **Consideration and possible action re: Approval of Agenda as submitted or revised.**
- 5. **New Business.**
  - A. Consideration and possible action re: Awarding of bid on the new CC Communications building at 899 South Maine Street.
- 6. **Public Comment.**
- 7. **Affidavit of Posting:**
- 8. **Adjournment.**

STATE OF NEVADA        )  
   : ss.  
 County of Churchill     )

*I, Shelly Bunyard, Administrative Assistant, do hereby affirm that I posted, or caused to be posted, a copy of this notice of public meeting, on or before the **10th day of September, 2020** between the hours of **1 pm and 5 pm** , at the following locations in Churchill County, Nevada:*

- 1. *CC Communications;*
- 2. *District Court Building;*
- 3. *Churchill County Administrative Complex;*
- 4. *The CC Communications Website @ [www.cccomm.info](http://www.cccomm.info);*
- 5. *The State of Nevada Website @ <https://notice.nv.gov/>.*



***Shelly Bunyard, Administrative Assistant***

**Shelly Bunyard, Administrative Assistant**, who was subscribed and sworn to before me this **September 10, 2020**



**Pamela D. Moore, Deputy Clerk to the Board**

*Endnotes:*

**Disclosures:**

*\*CC Communications is an equal opportunity provider and employer.*

**Accommodations/Nondiscrimination:**

*\*Notice to Persons with Disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the CC Communications Executive Office in writing at P.O. Box 1390, Fallon, NV 89407 (Attn: Shelly Bunyard), or by calling 775-423-7171 ext. 1215 at least two days in advance.*

*\*In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies or complaint filing deadlines vary by program or incident. Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency [(775)423-4092] or USDA's TARGET Center at (202)720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800)877-8339. Additionally, program information may be available in languages other than English. To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: [http://www.ascr.usda.gov/complaint\\_filing\\_cust.html](http://www.ascr.usda.gov/complaint_filing_cust.html) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the Complaint Form, call (866)632-9992. Submit your completed form or letter to USDA by:*

1. *Mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410;*
2. *Fax: (202)690-7442; or*

3. Email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

**Procedures:**

*\*The public meetings may be conducted according to rules of parliamentary procedure.*

*\*Persons providing public comment will be asked to state their name for the record.*

*\*The CC Communications Management reserves the right to restrict participation by persons in the public meeting where the conduct of such persons is willfully disruptive to the people's business.*

*\*All supporting materials for this Agenda, previous Agendas, or Minutes are available by requesting a copy from the CC Communication Office, 775-423-7171 ext. 1215. During the meeting, there will be one copy available for public inspection. Additional copies are available by making the request from the Clerk. You are entitled to one copy of the supporting materials free of charge.*



# CC Communications Agenda Report

**Date Submitted:** September 9, 2020

**Agenda Item #:** New Business - A

**Meeting Date Requested:**

September 16, 2020

**To:** Board of Churchill County Commissioners  
**From:** Mark Feest, General Manager / CEO  
**Subject** Consideration and possible action re: Awarding of bid on the new CC  
**Title:** Communications building at 899 South Maine Street.

**Type of Action Requested:** Accept

**Does this action require a Business Impact Statement?** No

**Recommend Board Action:** motion to approve the awarding of bid on the new CC Communications building at 899 South Maine Street.

**Discussion:** Bids for the building project at the South Maine location were received and opened at 2 pm Thursday September 3, 2020. While there was one bid package, there were two parts: First, construction of the main building, including the demolition of the existing structure; Second, the remodel of the old “C5” building. The bidding documents refer to these two parts as (1) new “Operations Center”, and (2) renovations to the existing “Training Building”.

Four responses were received and opened:

	Main Bldg	Training	Total
K7	\$4,910,000	\$534,000	\$5,444,000
Ferguson	\$4,937,000	\$602,962	\$5,539,962
Reyman	\$5,879,445	\$628,874	\$6,508,319
Dianda	\$6,039,730	\$598,084*	\$6,637,814

\* Dianda noted that the training building bid could not be accepted without accepting main building bid

K7 Construction is the lowest responsive and responsible bidder. The statutes governing awarding these types of bids require that the lowest responsive and responsible bidder is awarded the bid unless an exception exists. NRS 338.1389 has a provision for preferential treatment of a bidder that does not submit the lowest bid.

NRS 338.1389 provides that in order for a bidder, that is within 5% of the lowest bidder, to be eligible for preference, they must do two things:

(1) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(2) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117

It appears Ferguson Construction completed (1) but not (2). Mark Feest confirmed with the County Clerk's office and VanWoert Bigotti that neither received a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117. CC Communications did not receive any signed affidavits. Therefore, the lowest responsive and responsible bidder is K7 Construction, and the bid should be awarded to K7 Construction per NRS.

Prior to making any motion to award the bid, the Board may want to provide an opportunity for any party present to assert that a statutory preference should apply.

In the event that such an assertion is made, and thereafter determined to be valid, two issues would arise. First, NRS 338.1389 may be inapplicable inasmuch as section 10 provides:

“If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.”

CC Communications is subject to FCC regulations regarding allowable costs placed into the cost study. Paying an amount in excess of the low bid may be an unallowable capital expense with respect to eligibility for cost recovery, resulting in a “the amount of for a particular public work.” Management is awaiting further guidance on this question. Additionally, while there was one bid package, it was presented in two parts. While the second lowest bid is within 5% with respect to the main building and the total bid, it is not within 5% on the training building.

#### Relevant NRS

NRS 338.1389 Contract for public work for which estimated cost exceeds \$250,000 must be awarded to contractor who submits best bid; certain bids deemed best bid; eligibility to

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receive preference in bidding; issuance of certificate of eligibility by State Contractors' Board; regulations; fees; sanctions; objections.

1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds \$250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

...

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

NRS 338.0117 Qualification to receive preference in bidding: Submission of affidavit to public body certifying compliance with requirements; provisions required to be included in contract; written objections for failure to comply with requirements; penalty; annual report to Legislative Commission by public body concerning such contracts.

1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3

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of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project, collectively, and not on any specific day:

(a) At least 50 percent of the workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) If applying to receive a preference in bidding pursuant to subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, at least 50 percent of the design professionals working on the public work, including, without limitation, employees of the design-build team and of any subcontractor or consultant engaged in the design of the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles of the State of Nevada; and

(d) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

**Alternatives:** Table or reject all bids

**Fiscal Impact:** \$6,788,400

**Explanation of Impact:** Bid, FFE, remaining architectural and engineering costs, and relocation. This estimated fiscal impact does not take into consideration the value of 50 W. Williams, which may be vacated and transferred from the CC Communications Enterprise Fund.

**Funding Source:** Cash reserves and/or loan.

**Prepared By:** Shelly Bunyard, Administrative Assistant

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**Reviewed**

**By:**



\_\_\_\_\_  
Mark Feest, General Manager

Date: September 10, 2020



\_\_\_\_\_  
Jamie Hyde, Chief Financial Officer

Date: September 10, 2020

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**Board Action Taken:**

**Motion:** \_\_\_\_\_

1) None

Aye: 0

2) None

Nay: 0



\_\_\_\_\_  
(Vote Recorded By)

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