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Addendum No. 2

Donner Dam Ph 2 Repairs

TMWA Bid No. 2017-003
November 23, 2016

The following information, clarifications, changes and modifications are by reference incorporated into the bid documents for the above referenced project. Any work item or contract provision not changed or modified will remain in full force and effect. The bid date and time and construction schedule remain the same.

Clarification, Questions and Responses

Question No. 1: The Donner Dam Phase 2 Repairs Project Scope states that “Bidders must possess, at the time of the Bid submittal, a valid contractor’s license for this particular work...issued by the Nevada State Contractor’s Board and the California Contractors State License Board”. Due to the fact that the project is in Truckee, CA would it be possible to waive the requirement of possessing a Nevada Contractors License?

My company would be thrilled to bid on your project. However, the time frame to renew our Nevada Contractors License would unfortunately not be conducive to the current projected schedule. Would the Truckee Water Authority consider the possibility of negating this prerequisite?

Response to Question No. 1: No. TMWA is governed by Nevada law, but the project is governed by California law. TMWA can only do what Nevada law says it can. NRS 338.1475 prohibits TMWA from awarding a contract for a public work to any person who “is not properly licensed under the provisions of [NRS] chapter 624.” See also, NRS 338.141 (requiring inclusion of subcontractor’s license issued pursuant to chapter 624). Even though the project is in California, TMWA is still required to abide by Nevada law since it is a public agency based in the State of Nevada. These provisions shall be adhered to, as there is a strong public policy to insure that any contractor, who performs a public work (even where outside the State), demonstrate responsibility by meeting the licensing requirements of NRS 624 and remain subject to the jurisdiction of the Nevada Contractor’s Board. However, given that the work will actually be performed in California, contractors and subcontractors will need to be licensed in California as well, in order to comply with California law. Hence, the requirements for licensure in both Nevada and California.