

**ATTACHMENT AA**  
**April 11, 2016**  
**SOLICITATION #CIC-REF-14-001**  
**ALTERNATIVE DISPUTE RESOLUTION**  
**REFEREE / ARBITRATOR PANEL**

The Nevada Real Estate Division (Division), Office of the Ombudsman for Owners in Common-Interest Communities is seeking proposals from qualified candidates for a panel of referees and arbitrators for the Alternative Dispute Resolution program. It is the Division's intent to enter into contract with successful candidates, acting as independent contractors, who have experience in meeting the scope of work described below. The Division reserves the right to award contracts at the Division's sole discretion. Responses will be processed immediately and the Division will be accepting responses continually. It is anticipated these contracts will commence upon approval of the State Board of Examiners through 6/30/2017. The State does not guarantee any minimum volume of service.

**Responses will be accepted on a continuing basis.** Your proposal must be addressed to:

ADR Facilitator, Department of Business and Industry, Real Estate Division  
Office of the Ombudsman for Common-Interest Communities and Condominium Hotels  
2501 East Sahara Avenue, Suite 201, Las Vegas, Nevada 89104

Solicitation number **CIC-REF-14-001** must be noted on the outside of the envelope.

**SCOPE OF WORK:**

The State of Nevada shall:

- Receive written claims through the Office of the Ombudsman for Common-Interest Communities and Condominium Hotels, in which participation in the referee or arbitration programs has been requested.
- Provide specific instructions on the referee and arbitration programs process through a written overview, as well as via responding to any inquiries about the program.
- Receive and process the filing fees for the referee and arbitration programs.
- Create and maintain a list of referees and arbitrators along with their curriculum vitae which may be provided on the Division's website.

- Notify the Contractor in writing when they have been assigned to a claim, and forward to the Contractor the claim form and response filed with the Division.
- Notify the parties of the name and contact information for the referee or arbitrator selected.
- Create and maintain stocks of brochures, form letters, and any other descriptive paperwork related to the referee and arbitration programs.
- To the extent funds are available, subsidize referee program proceedings. Payments are to be forwarded to the Referee no later than (60) days after the Division receives the decision of the Referee and the billing statement.
- Maintain accurate records of all payments dispensed by the Division.
- Based on availability, provide conference room space for referee program hearings or arbitrations.

Awarded contractors will perform of the following services:

- Maintain a status of “Good Standing” with the State Bar of Nevada throughout the term of the contract.
- Agree to update Contractor’s curriculum vitae or resume when necessary for posting on the Division’s website.
- Complete and submit to the Division within three (3) State business days from notice of assignment to a claim the Conflict of Interest form
- Receive referee program claims that have been assigned, and contact the parties involved within five (5) days of receiving the claim to schedule a hearing or to discuss whether the parties want to submit the claim without a hearing.
- Not later than 5 days after appointment for an arbitration, Contractor shall provide to the parties an informational statement related to the arbitration of the claim pursuant to NRS 38.
- Conduct referee program or arbitration proceedings and draft a decision regarding:
  - a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property, or any bylaws, rules or regulations adopted by an association.
  - b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property.

- Charge a fee of no more than \$200.00 per hour, not to exceed \$1,000.00 per referee program proceeding. The cost of the referee program proceeding is paid by the Division.
- Be available within the geographic location of the parties to the assigned claim.
- Charge a fee of no more than \$300.00 per hour for arbitration proceedings to be paid by the parties to the arbitration
- Review all submitted documentation and issue a fair and impartial decision that is based upon the association's covenants, conditions and restrictions and other governing documents, as well as NRS and NAC 116 and, for the referee program, any policies and procedures adopted by the Division.
- Provide to the Division and the parties the written decision within 30 days of the conclusion of a hearing or from submission from the parties without a hearing. Contractor shall provide a detailed billing statement to the Division.
- Use their best efforts to complete assigned referee program proceedings within 60 days from receiving the claim.
- Notify the Division in writing of any scheduled or non-scheduled absences, vacations, or time periods the referee or arbitrator will not be available for assignment to a hearing.
- During the term of the contract, and within each fiscal year of July 1 through June 30, be available to attend up to (4) hours of instruction if requested by the Division without compensation from the State.

**Minimum Qualifications:**

Candidates should demonstrate in their submissions that they have the following qualifications:

- A Nevada State Bar License number and Good Standing status.
- Training and experience in resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association.
- Must not have any litigation pending against the State of Nevada within the last (5) years.

Your response should include, at a minimum, the following:

- A completed and notarized Referee Application;
- A current curriculum vitae or resume outlining education and experience;
- Nevada bar license number;
- Copy of any Arbitrator certifications, if applicable;

- Signed Attestments A, B and C;
- Signed Referee Policies and Procedures
- The geographic regions you can provide service, i.e., statewide, rural, northern Nevada, southern Nevada.

*A sample copy of the referee / arbitrator contract is provided for your reference.*