



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION

www.red.nv.gov

ATTACHMENT AA
SOLICITATION: CIC-MED-22-001
ALTERNATIVE DISPUTE RESOLUTION
MEDIATOR PANEL

Announcement Date: October 6, 2021

The State of Nevada, Real Estate Division is seeking proposals from qualified vendors for mediator services for the Alternative Dispute Resolution (ADR) program and statewide on an as needed basis. NRS 38.325 gives authority to the Division to create this program and impanel referees, mediators, and arbitrators. The ADR process is required under Nevada Revised Statutes NRS 38.300 to 38.360, before parties may file a civil action in court, relating to residential property within a Common-Interest Community. Referees and arbitrators must have training and experience, conduct referee program proceedings or arbitration proceedings, and draft a decision regarding:

- a) The interpretation, application or enforcement of any covenants, conditions, or restrictions applicable to residential property, and/or any bylaws, rules or regulations adopted by an Association.
- b) The procedures used for increasing, decreasing, or imposing additional assessments upon residential property in a Common-Interest Community (CIC) or Home Owner Association (HOA).

These contracts will be administered by the Department of Business and Industry, State of Nevada, Real Estate Division and are anticipated to commence upon Board of Examiners' (or Clerk of the Board) approval for an initial two (2) year period, with the option to renew for two (2) additional years, if agreed upon by both parties and in the best interest of the State. The State does not guarantee any minimum volume of services. It is the State's intent to enter into contracts with qualified referees and arbitrators, acting as independent contractors, who have experience in meeting the various needs of agencies. These needs will vary but may include, at a minimum, scope of work:

1. Must be a Certified Mediator (current within recertification requirements).
2. Must have a minimum of two (2) years' experience with mediating disputes between parties in a professional capacity.
3. Must have training and experience with resolution of disputes concerning Associations, including, and 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.
4. 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.
5. Notify the Division in writing of any scheduled or non-scheduled absences, vacations, or time periods the Mediator will not be available for assignment to a hearing.

6. Agree to update Mediator's curriculum vitae or resume when necessary for posting on the Division's website.
7. Must not have any pending litigation against the State of Nevada within the last five (5) years.
8. Conduct Mediations, and draft legal agreements based upon the outcome of the Mediation, addressing issues regarding:
 - a) The interpretation, application or enforcement of any covenants, conditions, or restrictions applicable to residential property, and/or any bylaws, rules or regulations adopted by an Association.
 - b) The procedures used for increasing, decreasing, or imposing additional assessments upon residential property in a Home Owner Association (HOA).
9. Agree to notify the Division within three (3) business days after a claim is assigned if a conflict of interest exists with any party.
10. Must be available within the geographic location of the parties to the assigned claim.
11. Secure locations for mediations that are accessible and amenable to all parties involved.
12. Not later than 5 days after selection or appointment, Mediator shall make contact with the parties for the purposes of setting a date for the mediation and to notify them that they must provide to the mediator a written statement which sets forth the issues in dispute no later than 5 days before the mediation.
13. Review all supporting documents provided by the parties, schedule and conduct mediations in a manner that adheres to all statutes and policies mandated by NRS 38.
14. Conduct mediations that must not exceed 3 hours unless the parties agree to an extension of such time.
15. Use their best efforts to complete assigned mediations within 60 days from the date of filing of the claim, as per NRS 38.330(1).
16. Within 30 days of completion of a mediation (successful or unsuccessful), provide to the Division a summary of the mediation, including whether or not the parties resolved their dispute.
17. Charge a fee not to exceed \$500.00 for 3 hours of mediation. If the parties agree to extend mediation beyond 3 hours, the fee for additional hours must not exceed \$200.00 per hour. The cost of the mediation shall be shared equally by both sides unless a subsidy is provided for one or both sides.
18. If the Mediator receives notice from the Division that any portion of the mediation is subsidized, submit, upon completion of mediation, a cost schedule detailing the hourly rate, costs, and expenses of the proceedings. The amount of the subsidy shall not exceed \$500.00 per mediation or \$250.00 per party, whichever is less, or any amount authorized by law.
19. Obtain any and all other costs and expenses not covered by the amount subsidized directly from the parties.

Contractor General and Technical Minimum Qualifications/Responsibilities:

The Division will accept applications from attorneys that are employees of law firms. Funds received in exchange for mediation services rendered by the specific attorney listed on the contract will be paid directly to the law firm/employer of the attorney. A letter from the law firm is submitted with other required documents for the contract. The contract if approved will be between the State of Nevada and the law firm in care of the specific named attorney. The law firm must meet all State Insurance and Business Licenses requirements for the contract. The law firm will not be allowed to randomly assign their own employees to mediate the agencies claims. Only the individual attorney listed on the State approved contract can conduct mediations.

Vendors proposing to receive an award through this solicitation shall include the following information:

1. Identify the geographic regions you will provide service, i.e., statewide, rural, northern Nevada, southern Nevada.
2. A complete and notarized Mediator application.
3. A copy of your Mediator Certificate and Recertifications (if applicable).
4. Nevada bar license number (if applicable) and maintain a status of “good standing” with the State Bar of Nevada throughout the term of the contract.
5. A current curriculum vitae or resume outlining education and experience.
6. Signed Attestations A and B.
7. A copy of your Certificate of Insurance (must provide the certificate of insurance identifying the coverages as specified in contract).
8. Copies of Vendor’s business and contractor’s licenses including but not limited to City, County, State, State Contractor’s Board, industry licensing, etc. (Awarded vendors must have a Nevada business license and be in good standing with the Secretary of State’s office prior to final approval of the contract).
9. Contact person, and telephone number for service inquiries.
10. Provide a minimum of three references from similar projects performed for private and/or public sector clients within the last three (3) years.
11. Company ownership and length of time in business.
12. Signed Cost Proposal.
13. Signed Mediation Policies and Procedures.
14. Signed and notarized Affidavit of Rejection of Industrial Insurance Coverage (if applicable).

Important Dates: The Division reserves the right to modify these dates at any time.

Questions regarding this solicitation shall be submitted to Shareece Bates, Administration Section Manager, via email at sbates@red.nv.gov, not later than **Wednesday, October 13, 2021, at 4:00 p.m.**, Pacific Standard Time. In the subject line please reference: SOLICITATION: CIC-MED-22-001, ADR MEDIATOR PANEL

Responses will be provided via email to all vendors on or about **Tuesday, October 19, 2021.**

Deadline for Submission of proposals is **Tuesday, October 26, 2021, at 5:00 p.m.**, Pacific Standard Time. Proposals that do not arrive by the submission deadline will not be accepted. Vendors may submit their proposals any time prior to the above stated deadline.

Proposals shall be submitted electronically in PDF format to Marina Benn, CIC Supervisor:

mbenn@red.nv.gov

Subject Line: SOLICITATION: CIC-MED-22-001, ADR MEDIATOR PANEL

Any award is contingent upon the successful negotiation of final contract terms and upon approval of the Board of Examiners.