



STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
REAL ESTATE DIVISION

[www.red.nv.gov](http://www.red.nv.gov)

**ATTACHMENT AA**  
**SOLICITATION: CIC-REF-22-002**  
**ALTERNATIVE DISPUTE RESOLUTION**  
**REFEREE/ARBITRATOR PANEL**

**Announcement Date: October 6, 2021**

The State of Nevada, Real Estate Division is seeking proposals from qualified vendors for referee and arbitrator 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 have a Nevada State Bar license number and good standing status.
2. Maintain a status of "good standing" with the State Bar of Nevada throughout the term of the contract.
3. Must have training and at least a minimum of two (2) years' 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 referee or arbitrator will not be available for assignment to a hearing.

6. Agree to update the referee's or arbitrator'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 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, 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).
9. Agree to notify the Division within three business (3) 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 referee or arbitration appointments that are accessible and amenable to all parties involved.
12. 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.
13. Not later than 5 days after appointment for an arbitration, contractor shall provide the parties an informational statement related to the arbitration of the claim pursuant to NRS 38.
14. 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.
15. 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.
16. 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.
17. Charge a fee of no more than \$300.00 per hour for arbitration proceedings to be paid by the parties to the arbitrator.

**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 referee or arbitrator 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 participate in the referee or arbitration program for the agencies claims. Only the individual attorney listed on the State approved contract can conduct referee and arbitration proceedings.

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 Referee/Arbitrator application.
3. A copy of your Arbitrator Certificates and Recertifications (if applicable).

4. Nevada bar license number 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. Signed Attestation C.
8. A copy of your Certificate of Insurance (must provide the certificate of insurance identifying the coverages as specified in contract).
9. 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).
10. Contact person, and telephone number for service inquiries.
11. Provide a minimum of three references from similar projects performed for private and/or public sector clients within the last three (3) years.
12. Company ownership and length of time in business.
13. Signed Cost Proposal.
14. Signed Referee Policies and Procedures.
15. 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](mailto: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-REF-22-002, ADR REFEREE/ARBITRATOR 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](mailto:mbenn@red.nv.gov)

Subject Line: SOLICITATION: CIC-REF-22-002, ADR REFEREE/ARBITRATOR PANEL

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