

# AGENDA ITEM DEVELOPMENT REPORT

OFFICE OF THE COUNTY MANAGER  
CLARK COUNTY, NEVADA

*AIDR No.:* 3735

KEVIN SCHILLER  
County Manager

Date: 07/08/2024

Agenda Date: 07/16/2024

JESSICA L. COLVIN  
Chief Financial Officer

Originating

Department: Finance/ Purchasing

SAMUEL BATEMAN  
Deputy County Manager

Contact/Ext:

Brett Wood / 702-455-3361

ABIGAIL FRIERSON  
Deputy County Manager

LISA KREMER  
Deputy County Manager

**Issue:**

**BID PROTEST**

LES LEE SHELL  
Deputy County Manager

## **Subject/Title:**

Bid No. 606841-23, Desert Breeze Park Baseball Fields.

## **Recommended Action:**

That the Board of County Commissioners approve the award of Bid No. 606841-23, Desert Breeze Park Baseball Fields, to the low responsive and responsible bidder, contingent upon submission of the required bonds and insurance. Staff recommends award to Soil-Tech, Inc.; or take other action as appropriate.

## **Summary:**

The award of this contract will provide for construction of a 17 acre baseball field complex that includes the following amenities: four baseball fields with synthetic turf outfields and dirt infields, covered dugouts, bullpens, digital scoreboards, covered bleachers, a single adaptive use field with synthetic turf, chain link fencing, playground equipment, a fabric shade structure, prefabricated restroom, a synthetic turf warm-up area, an asphalt parking lot, concrete sidewalks and plaza space, metal shade structures, CMU enclosures and LED site and sports lighting. The work also includes a maintenance yard with CMU wall, a 1,600 s.f. maintenance building and wash rack. The site work consists of construction through undeveloped land through the means of clear and grub, rough grade, cut, over-excavation, haul, import fill, fine grade, dust control and caliche removal.

On March 20, 2024 bids were received from APCO Construction, CG&B Enterprises, Inc., James F. Thomson, Jr. dba American Southwest Electric, Monument Construction dba Monument ("Monument"), Rafael Construction and Soil-Tech, Inc. ("Soil-Tech").

Staff evaluated the required bid submittal documents identified in the bid document and identified Soil-Tech as the lowest responsive and responsible bidder. On May 13, 2024, staff issued a Notification of Intent to Award identifying Soil-Tech as the lowest responsive and responsible bidder (attached as Exhibit A). The contents of the notice included the protest language giving five (5) business days to submit.

On May 16, 2024, Monument submitted a protest within the specified timeline with the valid protest bond against Soil-Tech's bid (attached as Exhibit B). Protest procedures require Purchasing staff to distribute the protest materials from the protesting bidder to the lowest responsive and responsible bidder and request that the lowest responsive and responsible bidder provide a written response to the allegations made in the respective protest. Soil-Tech complied with the request and submitted a response on May 23, 2024 (attached as Exhibit C).

Purchasing and Real Property Management staff along with the Deputy District Attorney met to discuss the bid submittals, protest documents and Soil-Tech, Inc.'s response to the allegations. The following summarizes staff determination of the protest elements.

**Protest:** Soil-Tech is not properly licensed to self-perform or manage the building construction as indicated in the bid documents. This project includes the construction of 2 buildings, which requires a contractor to hold a general building license, or B license, under NRS 624.215. It is Monument's understanding that Soil-Tech is not licensed to construct either building called out in the bid documents and did not list a general building contractor on its 5% or 1% bid documents. By not contracting with a general building contractor, Monument believes Soil-Tech is in violation of Nevada contracting statutes.

**Response:** Prior to issuing Clark County's Notification of Intent to Award, Soil-Tech confirmed to Purchasing the name of its B licensed subcontractor, Karst Construction Services, LLC ("Karst"). Purchasing confirmed with the Nevada State Contractor's Board that Karst's B license is active and in good standing. Following the receipt of Soil-Tech's response to the bid protest and at the request of Purchasing, Soil-Tech provided its quote from Karst. Purchasing reviewed the quote and confirmed that the quote amount falls below the 5% and 1% threshold and thus not statutorily required to be listed in the bid documents.

On June 13, 2024, Purchasing issued its protest determination in which it determined that the recommendation to award to Soil-Tech as the low responsive and responsible bidder remained unchanged (attached as Exhibit D). The contents of Purchasing's protest determination included language advising Monument to: (1) formally withdraw its protest if Monument found Purchasing protest determination acceptable; or (2) submit a notice of Intent to Appeal before the Board of County Commissioners if Monument found Purchasing protest determination unacceptable.

On June 25, 2024, Monument submitted a notice of Intent to Appeal before the Board of County Commissioners (attached as Exhibit E). In its notice of Intent to Appeal, Monument modified its original protest to include additional objections concerning the manner in which Soil-Tech is planning on utilizing their contractor's license and subcontractors.

On July 5, 2024, Soil-Tech provided a response to Monument's new allegations raised within its notice of Intent to Appeal (attached as Exhibit F).

  
\_\_\_\_\_  
KEVIN SCHILLER  
County Manager

# EXHIBIT A



# Department of Finance Purchasing and Contracts Division

500 S Grand Central Pky 4th Fl • Box 551217 • Las Vegas NV 89155-1217  
(702) 455-2897 • Fax (702) 386-4914

Jessica Colvin, Chief Financial Officer  
Brett Wood, Purchasing Deputy Director  
Adriane Garcia, Purchasing Manager

## NOTIFICATION OF INTENT TO AWARD

MAY 13, 2024

It is the intent of the Clark County Finance Department, Purchasing and Contracts Division, to recommend award of Bid No. 606841-23, Desert Breeze Park Baseball Fields to Soil-Tech, Inc. on July 2, 2024.

### BID SUMMARY

<u>Bids Received:</u>	<u>Bid Amounts:</u>
<b>Soil-Tech, Inc.</b>	<b>\$21,703,730.00</b>
James F. Thomson, Jr. dba American Southwest Electric	\$21,784,293.00
Monument Construction dba Monument	\$21,823,800.20
C&B Enterprises, Inc.	\$22,559,530.00
APCO Construction	\$22,590,000.00
Rafael Construction	\$22,754,000.00

In accordance with the Protest Clause in the referenced bid document, all Bidders have five (5) business days from receipt of this notification to submit a formal written protest to the Purchasing Analyst. The Board of County Commissioners is not required to consider any protest that is not filed in accordance with the Protest Clause in the referenced bid document.

If you have any questions concerning this notification, please contact Geraldine Cruz, Purchasing Analyst, at (702) 455-6277.

ISSUED BY:

  
GeraldineCruz (May 13, 2024 12:03 PDT)  
GERALDINE CRUZ  
Purchasing Analyst II

GVC/kg

cc: John Advent, Real Property Management  
Dan Rakers, Real Property Management  
Ken Ballard, Real Property Management  
Coleen Lyum, Real Property Management  
Fernando Martinez, Real Property Management  
Chat Patel, Real Property Management  
Justin Sagers, Real Property Management

**BOARD OF COUNTY COMMISSIONERS**  
TICK SEGERBLOM, Chair • WILLIAM MCCURDY II, Vice Chair  
JAMES B. GIBSON • JUSTIN C. JONES • MARILYN KIRKPATRICK • ROSS MILLER • MICHAEL NAFT  
KEVIN SCHILLER, County Manager

**EXHIBIT B**



May 16, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155  
PH: 702-455-2897

Via Hand Delivery; and email to: geraldine.cruz@clarkcountynv.gov

**RE: Protest Notification of Intent to Award Bid #606841-23 Desert Breeze Park Baseball Fields**

Dear Ms. Cruz,

Please consider this letter as a formal protest from our company with regard to the above. Pursuant to the Bid Documents and the letters received from our subcontractors attached, we contend that the Clark County Department of Finance Purchasing and Contracts Division (Clark County)'s proposed action to award this project to Soil-Tech, Inc. is respectfully not legal.

Soil-Tech is properly licensed to bid and execute this contract as a whole, yet we believe it is NOT properly licensed to self-perform or manage the building construction as indicated in its bid documents. This project includes 2 buildings which require a B license under the below referenced statute. It is our understanding that Soil-Tech is not licensed to construct either building called out in the bid documents, and, did not list a General Building contractor on its 5% or 1% bid documents. By not contracting with a General Building contractor, per NRS 624.215 (5), we believe Soil-Tech is breaking Nevada contracting statutes and its award should be overturned by you.

This project requires both a General Engineering contractor and General Building contractor. NRS 624.215 states:

- "1. For the purpose of classification, the contracting business includes the following branches:*
- (a) General engineering contracting.*
  - (b) General building contracting.*
  - (c) Specialty contracting.*
- General engineering contracting and general building contracting are mutually exclusive branches."*

Soil-Tech is qualified to perform work under the General Engineering contracting classification. Notably, though, we believe it is **not** qualified to construct buildings for it does not possess a B license, nor, has it subcontracted the building portion of the work to a B licensed contractor. Additionally, it is our opinion that Soil-Tech demonstrates that it is not familiar with how to properly bid a project of this magnitude and complexity to the County.

It is our understanding that a General engineering contractor, such as Soil-Tech, is permitted to hire not more than one General Building contractor on a project (NRS 624.215). This is the only legal method for a General Engineering contractor to construct buildings associated with a larger General Engineering project. Monument estimates the two buildings cost \$1.4M (1% of Soil-Tech's bid = \$217,037.30). Soil-Tech did not list any General Building contractors on either their 1% or 5% documents, instead, Soil-Tech listed specialty contractors. Both indicate Soil-Tech's intent to construct the building not in accordance with Nevada law.

NRS 338.1377 states *"the governing body shall adopt the following criteria for determining whether a person who has applied pursuant to NRS 338.1379 is qualified to bid on contracts for public works of the local government."* Criteria #1: the governing body must verify

**MONUMENT CONSTRUCTION**

7787 EASTGATE RD #110 HENDERSON, NV 89011

PH: 702.530.2303 WWW.BUILDMONUMENTS.COM FAX: 702.947.2602

CA 8948735

AZ 8 328669

NV UNLIMITED 8 0075502

NV UNLIMITED A 0080649

UT 11362903-5501

05-16-24 11:10:56 CC PURC-45



*"the applicant possesses a valid contractor's license of a class corresponding to the work to be required by the local government."*  
This project requires the Prime Contractor hold an A and B license or hold an A license with a B licensed subcontractor. Again, as above noted, Clark County cannot award this project to Soil-Tech for it does not possess the licenses to self perform this work.

On February 22, 2021, Monument, along with 3 other bidders, were disqualified from bid #605707-20 due to a single sentence in the specifications which stated a subcontractor with a specific certification had to be used. When Clark County questioned Monument, we declared we would meet all conditions of the contract at the proposed price. Also, the awarded GC did not even file a protest per the bid documents. Clark County awarded that 5<sup>th</sup> ranked GC for \$1M more. After the project was complete, Monument learned the awarded GC never followed the condition of disqualification. On Desert Breeze, the award is not over an obscure specification; it is contested due to breach of Nevada statutes.

Monument has reservations about protesting. We believe in the County's right to exercise discretion when it awards contracts. Though Monument would not involve the Nevada State Contractors Board (NSCB), we believe our subcontractors will submit formal complaints against Soil-Tech for contracting outside its license limitations. If Soil-tech is under contract, the NSCB will likely force them to hire an unlisted General Building contractor as a subcontractor. We warn our clients when their decisions may cause harm or future scrutiny. We believe Clark County should not award this contract to Soil-Tech. If Clark County contracts with Monument, it will do so in full compliance with all Nevada Revised Statutes.

This protest includes the bonds specified in the bid documents. Monument values your time and consideration. We prefer to directly pay any expense incurred in your consideration. Please contact us directly for reimbursement.

Thank you,

#### MONUMENT CONSTRUCTION

Jon Wayne Nielsen, President  
Cell: 702.576.5210

Cc: John Advent, Real Property Management  
Dan Rakers, Real Property Management  
Ken Ballard, Real Property Management  
Coleen Lyum, Real Property Management  
Fernando Martinez, Real Property Management  
Chat Petel, Real Property Management  
Justin Sagers, Real Property Management  
Parth Gandhi, Monument Construction  
Michael Wells, Monument Construction  
Donald "Butch" Williams, Esquire, Nevada Bar 5548

#### MONUMENT CONSTRUCTION

7787 EASTGATE RD #110 HENDERSON, NV 89011

PH: 702.530.2303 WWW.BUILDMONUMENTS.COM FAX: 702.947.2602  
CA 8948735 AZ B 328668 NV UNLIMITED B 0075502 NV UNLIMITED A 0080649 UT 11362903-5501



May 15, 2024

Monument Construction

Project: Desert Breeze Park Baseball Fields

No.: 606841-23

To whom it may concern:

Soil-Tech, according to the Nevada State Contractors Board (NSCB), does not have a General Building "B" license. Per contract documents, to perform the work on the maintenance building and the prefabricated restroom building, the contractor needed a "B" license. In their 5% and 1% lists, Soil-Tech did not include anyone who carried a "B" license to perform this work. Per NRS 624.215, an "A" license may and should hire a General Building contractor when the scope of work includes a building or structure. Soil-Tech has their "A" license, but they do not have a B license, and they did not list a B-licensed contractor to perform the building of the structures. By Nevada State Contractors Law, Soil-Tech should not have submitted this bid without a listed B licensed contractor. Understanding that the buildings on this project are to be used for support, shelter, and enclosure of persons (ref. NRS 624.215), it is the County's responsibility to not use public funds on a project that does not have qualified building contractors to construct these buildings. We also understand if this contract is awarded to Soil-Tech, the County will take full responsibility for these buildings being built by an unlicensed building contractor.

Sincerely,

The logo for Black Canyon Construction, featuring the word "BLACK" above a mountain range graphic, "CANYON" below it, and "CONSTRUCTION" in a smaller font at the bottom.

*Kelly Perzy*

Kelly Perzy  
President

3395 W. Cheyenne, Suite 106  
North Las Vegas, Nevada 89032  
702) 688.5665 | Fax: 702) 688.5666  
Nevada License C-10 #0060235 Limit \$9,500,000  
DBE Certificate No. NV20413017NUCP



P: 877-686-8873

F: 843-410-5712

146 Fairchild Street, Suite 150

Daniel Island, SC 29492

May 14, 2024

Geraldine Cruz  
500 S Grand Central Parkway  
Las Vegas, NV 89106  
Purchasing & Contracts  
[Geraldine.cruz@clarkcountynv.gov](mailto:Geraldine.cruz@clarkcountynv.gov)

Sprinturf has some concerns regarding CCRPM awarding the 606841-23 - (Desert Breeze Park Baseball Fields).

Soil-Tech, according to the Nevada State Contractors Board (NSCB), does not have a General Building "B" license. Per contract documents, to perform the work on the maintenance building and the prefabricated restroom building, the contractor needed a "B" license. In their 5% and 1% lists, Soil-Tech did not include anyone who carried a "B" license to perform this work. Per NRS 624.215, an "A" license may and should hire a General Building contractor when the scope of work includes a building or structure. Soil-Tech has their "A" license, but they do not have a B license, and they did not list a B-licensed contractor to perform the building of the structures. Therefore, Soil-Tech should be disqualified.

American Southwest Electric (ASE) 5% list had a subcontractor who submitted a proposal exceeding its bid limit. Wadsworth was listed as a subcontractor on the ASE 5% list. According to the bid ASE submitted at \$21,784,293, the 5% list had to include a proposal in excess of \$1,089,214.65. Wadsworth exceeded its bid limit by at least \$339,214.62. Therefore, American Southwest Electric should be disqualified.

Sprinturf believes that, due to the information above, CCRPM needs to remove the award to Soil-Tech and reconsider the proposals that met all the standards and criteria set forth in the bid documents. This reconsideration process should be conducted in a fair and transparent manner, ensuring that all qualified proposals are given due consideration.

Tyson Jaquez  
West Coast Director of Sales  
[tjaquez@sprinturf.com](mailto:tjaquez@sprinturf.com)  
530-249-0581



**SOLID STATE ELECTRIC LLC**  
**7787 Eastgate Road, Suite 100**  
**Henderson Nevada 89011**

**Phone: (702) 566-6600**  
**License # 0055400 C-2 F-414**

March 14, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155  
PH: 702-455-2897

EMAIL: [geraldine.cruz@clarkcountynv.gov](mailto:geraldine.cruz@clarkcountynv.gov)

Ms. Cruz,

Solid State Electric has concerns regarding the Notification of Intent to Award for bid 606841-23 Desert Breeze Park Baseball Fields published on May 13, 2024. It states that Soil-Tech, Inc. as the low bidder will be awarded this project. Solid State Electric intends to partner with Monument Construction on this project, so we request this letter be included with their official protest.

Specifically, our concern is that Soil-Tech is an A licensed contractor attempting to perform a B licensed contractors work. This project includes a maintenance building and a restroom building. They are features of the larger park and sports field project, but like all features of a project, they require proper licensing to perform. In our opinion, Soil-Tech is licensed to bid and perform this project as a whole, but they are not licensed to perform the buildings included in the project scope. Per NRS 624.215, Soil-Tech as an A licensed contractor is required to subcontract the buildings to a B licensed contractor. Their bid documents indicate that they will not subcontract with a B licensed contractor which is clear violation of the NRS.

Additionally, American Southwest Electric (ASE) listed a subcontractor, Wadsworth Grading (#47222), on their 5% list. 5% of ASE's bid is \$1,089,214 so any contractor who bid a scope larger than this number was included on ASE's listing. Wadsworth has a bid limit of \$750,000. This indicates ASE accepted and included a subcontractors bid which was more than \$339k above that subcontractor's limit. This is also a clear violation of Nevada contracting law.

In light of this clarity, Solid State Electric requests the County thoroughly re-review the information on this bid. We believe, based on the NRS and the County's ruling on past projects with similar concerns, this is clear grounds to disqualify both Soil-Tech and ASE from this project.

Respectfully,

**Jared Gunderson**  
President  
Solid State Electric LLC  
[jared@solidstateelectric.com](mailto:jared@solidstateelectric.com)  
(702) 491-6334



**Monument Construction**  
 7787 Eastgate Road, Unit 110  
 Henderson, Nevada 89011  
 P: (702) 530-2303  
 F: (702) 947-2602

**Project: 24042 Desert Breeze Park Baseball Fields**  
 8275 Spring Mountain Road  
 Las Vegas, Nevada 89147

## Transmittal #1 - Bid #606841-23 Protest Files

<b>To</b>	Geraldine Cruz (Clark County Real Property Management) 500 S Grand Central Pkwy 4th Floor Las Vegas, Nevada 89155	<b>From</b>	Michael Wells (Monument Construction) 7787 Eastgate RD #110 Henderson, Nevada 89011
<b>Date Created</b>	May 16, 2024		
<b>Copies To</b>			
<b>Transmit</b>	Attached	<b>Sent Via</b>	Attached
<b>Submitted For</b>	Review and Comment	<b>Action As Noted</b>	

### Transmittal Items

Format	Description	Date	Copies
Document	Protest Bond <a href="#">View</a>	May 16, 2024	1
Document	Monument protest letter <a href="#">View</a>	May 16, 2024	1
Document	Black Canyon protest letter <a href="#">View</a>	May 16, 2024	1
Document	Sprinturf protest letter <a href="#">View</a>	May 16, 2024	1
Document	Solid State Electric protest letter <a href="#">View</a>	May 16, 2024	1

### Comments

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

05/16/24 PM 11:11:05 CC PUBLIC:MS

Bid Bond Protest Form

KNOW ALL MEN BY THESE PRESENTS, that we, Monument Construction, as Principal, and Atlantic Specialty Insurance Company, a Corporation of New York, and authorized to business in the State of Nevada, as Surety, are held and firmly bound unto Clark County, as Obligee in the sum of Two Hundred Fifty Thousand & 00/100 (\$ 250,000.00) DOLLARS, for the payment thereof, well and truly to be made, we bind ourselves, our successors, assigns, heirs, executors and administrator, jointly and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION is such that:

WHEREAS, on May 15, 2024 (date), the above bounded Principal did file a Bid Protest arising from the Soil-Tech, Inc. Bid in the amount of \$21,703,730.00 submitted to Clark County on March 20, 20224 for the Desert Breeze Park Baseball Fields.

NOW, THEREFORE, the condition of the foregoing obligation is such that if said Principal shall successfully challenge the low bid of Soil-Tech, Inc. then the Obligee is not entitled to costs and this obligation shall be null and void.

In the event the bid challenge is unsuccessful, and the Obligee incurs costs arising from the unsuccessful bid challenge process, the Obligee is entitled to be reimbursed by Principal for its costs. This Bond shall guarantee the reimbursement of the Obligee's costs. If said Principal shall reimburse the allowed costs of the Obligee pursuant to Nevada Statute, (NV Rev Stat § 338.142 (2022)), then this obligation shall be null and void, otherwise to remain in full force and effect.

PROVIDED FURTHER, this bond is executed by the Surety subject to the following conditions:

- 1) This bond shall remain in force from May 15, 2024 and shall terminate on May 15, 2025.
- 2) The liability of the Surety shall not be cumulative and in no event shall the aggregate liability of the Surety exceed the maximum penal sum of Two Hundred Fifty Thousand & 00/100 (\$ 250,000.00) DOLLARS.
- 3) The Obligee shall give the Surety prompt notice in writing of its determination of the BID Challenge.

Witness our hands and seals this 15th day of May, 2024.

Principal: Monument Construction

Surety: Atlantic Specialty Insurance Company

BY: [Signature]  
Jon Wayne Nielsen, President

By: [Signature]  
Joshua R. Loftis, Attorney-in-Fact



05/16/24 PM 11:09:56 C:\PURCHAS



# Power of Attorney

KNOW ALL MEN BY THESE PRESENTS, that ATLANTIC SPECIALTY INSURANCE COMPANY, a New York corporation with its principal office in Plymouth, Minnesota, does hereby constitute and appoint: **Brian J. Oestreich, Colby D White, Emily White, Joshua R. Loftis, Melinda C. Blodgett, Michelle Morrison, Nathan Weaver, Nicole Stillings, R. W. Frank, R.C. Bowman, Rachel Thomas, Ross S Squires, Sandra M Engstrum, Sarah Dragt, Ted Jorgensen, Tina Domask**, each individually if there be more than one named, its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof; provided that no bond or undertaking executed under this authority shall exceed in amount the sum of: **unlimited** and the execution of such bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof in pursuance of these presents, shall be as binding upon said Company as if they had been fully signed by an authorized officer of the Company and sealed with the Company seal. This Power of Attorney is made and executed by authority of the following resolutions adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the President, any Senior Vice President or Vice-President (each an "Authorized Officer") may execute for and in behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and affix the seal of the Company thereto; and that the Authorized Officer may appoint and authorize an Attorney-in-Fact to execute on behalf of the Company any and all such instruments and to affix the Company seal thereto; and that the Authorized Officer may at any time remove any such Attorney-in-Fact and revoke all power and authority given to any such Attorney-in-Fact.

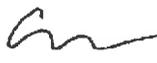
Resolved: That the Attorney-in-Fact may be given full power and authority to execute for and in the name and on behalf of the Company any and all bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Company as if signed and sealed by an Authorized Officer and, further, the Attorney-in-Fact is hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof.

This power of attorney is signed and sealed by facsimile under the authority of the following Resolution adopted by the Board of Directors of ATLANTIC SPECIALTY INSURANCE COMPANY on the twenty-fifth day of September, 2012:

Resolved: That the signature of an Authorized Officer, the signature of the Secretary or the Assistant Secretary, and the Company seal may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing an Attorney-in-Fact for purposes only of executing and sealing any bond, undertaking, recognizance or other written obligation in the nature thereof, and any such signature and seal where so used, being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

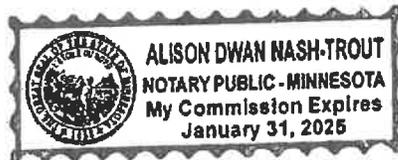
IN WITNESS WHEREOF, ATLANTIC SPECIALTY INSURANCE COMPANY has caused these presents to be signed by an Authorized Officer and the seal of the Company to be affixed this first day of January, 2023.



By   
Sarah A. Kolar, Vice President and General Counsel

STATE OF MINNESOTA  
HENNEPIN COUNTY

On this first day of January, 2023, before me personally came Sarah A. Kolar, Vice President and General Counsel of ATLANTIC SPECIALTY INSURANCE COMPANY, to me personally known to be the individual and officer described in and who executed the preceding instrument, and she acknowledged the execution of the same, and being by me duly sworn, that she is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the seal of said Company and that the said seal and the signature as such officer was duly affixed and subscribed to the said instrument by the authority and at the direction of the Company.



  
Notary Public

I, the undersigned, Secretary of ATLANTIC SPECIALTY INSURANCE COMPANY, a New York Corporation, do hereby certify that the foregoing power of attorney is in full force and has not been revoked, and the resolutions set forth above are now in force.

Signed and sealed. Dated 15th day of May, 2024



  
Kara L.B. Barrow, Secretary

This Power of Attorney expires  
January 31, 2025

# EXHIBIT C



May 23, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Parkway  
Las Vegas, Nevada 89155  
702-455-2897

Dear Ms. Cruz,

Soil-Tech is in receipt of the bid protest made by Monument Construction, Black Canyon Construction, Sprinturf, and Solid State Electric ("Protest") and we write in response thereto. We appreciate the opportunity to address these issues and to clarify that Soil Tech's bid submission and the County's award are compliant with Nevada law.

The Protest raises the claim that Soil-Tech has not "subcontracted the building portion of the work to a B licensed contractor" and therefore Soil-Tech is not permitted by Nevada law to perform the work. This claim is factually inaccurate.

Contractors or subcontractors whose work constitutes less than 1% of the total bid amount are not required to be listed in the bid documents at the time of submission. Our thorough internal review and cost analysis demonstrates that the work to be performed by the B licensed contractor in our bid indeed falls below this threshold. Consequently, in compliance with the stipulated guidelines, the B licensed contractor was not listed in the initial bid documents, nor were they required to be.

Unfortunately, the Protest incorrectly assumes, without confirmation or verification, that Soil-Tech did not subcontract with a B licensed contractor as required by the project. In truth, Soil-Tech's bid submission accurately reflects the scope of work and complies with the requirements specified by Clark County. Therefore, Soil-Tech's bid submission and the County's award are compliant with Nevada law. We appreciate the opportunity to clarify this matter and trust that this explanation resolves the concerns raised in the Protest. Should you require further information or additional documentation, please do not hesitate to contact us.

Thank you,

A handwritten signature in black ink, appearing to read "Brent Neel".

Brent Neel

## EXHIBIT D



togetherforbetter

# Department of Finance Purchasing and Contracts Division

500 S Grand Central Pky 4th Fl • Box 551217 • Las Vegas NV 89155-1217  
(702) 455-2897 • Fax (702) 386-4914

Jessica Colvin, Chief Financial Officer  
Brett Wood, Purchasing Deputy Director  
Adriane Garcia, Purchasing Manager

June 13, 2024

Jon Wayne Nielsen  
MONUMENT CONSTRUCTION DBA MONUMENT  
7787 Eastgate Road, Unit 110  
Henderson, Nevada 89011

Sent via email: [jwn@buildmonuments.com](mailto:jwn@buildmonuments.com)

Sent via Certified: 9489 0090 0027 6524 6046 07

Brent Neel  
SOIL-TECH, INC.  
6420 South Cameron Street, Suite 207  
Las Vegas, Nevada 89118

Sent via email: [brent@soil-tech.com](mailto:brent@soil-tech.com)

Sent via Certified: 9489 0090 0027 6524 6049 35

**RE: BID NUMBER 606841-23 DESERT BREEZE PARK BASEBALL FIELDS – PROTEST DETERMINATION**

Dear Mr. Nielsen:

Clark County Purchasing and Contracts Division is in receipt of the bid protest filed by Monument Construction (“Monument”) against the apparent low bid of Soil-Tech, Inc. (“Soil-Tech”), as well as the response to the bid protest submitted by Soil-Tech. Clark County Purchasing and Contracts Division has reviewed all materials submitted and has consulted with its Deputy District Attorney in the drafting of this response.

In the bid protest, Monument contends that the bid of Soil-Tech must be deemed non-responsible, as Soil-Tech “is not qualified to construct buildings for it does not possess a B license, nor has it subcontracted the building portion of the work to a B licensed contractor.” However, for the reasons set forth herein, Clark County Purchasing and Contracts Division has determined that the bid protest lacks merit.

**Facts:**

Bidders must be qualified and properly licensed to perform the particular work pursuant to the provisions of NRS Chapter 624. The Bidder, successful contractor, and their subcontractor/independent contractors shall comply with all provisions of NRS 624, during the bidding phase and Nevada Administrative Code, Chapter 624, through completion of the project.

Bidders must comply with NRS 338.141(1)(b), and the County's Instructions to Bidders, page 1-5. 6.A.3(a), both of which require bidders to provide at the time of bid submission, the names of subcontractors who will be paid an amount exceeding 5% of their total base bid amount. The three low bidders must provide, within 2 hours of bid opening, a list of the subcontractors performing more than 1% of the contractors total bid price. On both lists, the contractor may list themselves as performing all work other than that being performed by a listed subcontractor. Soil-Tech listed it will self-perform native restoration, landscaping, and fencing scope.

Based on Soil-Tech's base bid of \$21,703,730, Soil-Tech would be required to list any subcontractor who is paid more than \$1,085,186.50 on their 5% list and list any subcontractor who is paid more than \$217,037.30 on their 1% list.

County shall verify through the Nevada State Contractor's Board only that information required pursuant to NRS 338.141 as provided by the Bidders.

#### **Monument's Bid Protest:**

Monument argues the following:

Soil-Tech is properly licensed to bid and execute this contract as a whole, yet we believe it is NOT properly licensed to self-perform or manage the building construction as indicated in its bid documents. This project includes 2 buildings which require a B license under the below referenced statute. It is our understanding that Soil-Tech is not licensed to construct either building called out in the bid documents, and, did not list a General Building contractor on its 5% or 1% bid documents. By not contracting with a General Building contractor, per NRS 624.215 (5), we believe Soil-Tech is breaking Nevada contracting statutes and its award should be overturned by you.

#### **Soil-Tech's Response:**

In response to Monument's bid protest, Soil-Tech responds as follows:

Contractors or subcontractors whose work constitutes less than 1% of the total bid amount are not required to be listed in the bid documents at the time of submission. Our thorough internal review and cost analysis demonstrates that the work to be performed by the B licensed contractor in our bid indeed falls below this threshold. Consequently, in compliance with the stipulated guidelines, the B licensed contractor was not listed in the initial bid documents, nor were they required to be.

Unfortunately, the Protest incorrectly assumes, without confirmation or verification, that Soil-Tech did not subcontract with a B licensed contractor as required by the project. In truth, Soil-Tech's bid submission accurately reflects the scope of work and complies with the requirements specified by Clark County.

**Determination:**

Prior to issuing Clark County's Notification of Intent to Award, Soil-Tech confirmed to Clark County Purchasing and Contracts Division the name of its B licensed subcontractor, Karst Construction Services, LLC (NV Contractor's License No. 0091857). Clark County Purchasing and Contracts Division confirmed with the Nevada State Contractor's Board that Karst Construction Services, LLC's B license is valid. Following the receipt of Soil-Tech's response to the bid protest and at the request of Clark County Purchasing and Contracts Division, Soil-Tech provided its quote from Karst Construction, LLC. Clark County Purchasing and Contracts Division has reviewed the quote and confirmed that it supports Soil-Tech's claim that the quote amount falls below the 5% threshold of \$1,085,186.50 and below the 1% threshold of \$217,037.30, and thus not statutorily required to be listed in the bid documents.

Clark County Purchasing and Contracts Division has reviewed all materials and arguments provided and has determined that the bid protest lacks merit. Therefore, Clark County's Notification of Intent to Award issued on May 13, 2024, remains unchanged and it is the Clark County Purchasing and Contracts Division intent to recommend the award of Bid 606841-23 to Soil-Tech as the low responsive and responsible bidder.

If this determination is not acceptable, the protest bond continues to act as a stay of action until a determination is made by the Board of County Commissioners. By close of business on June 26, 2024, Monument must submit their written notice of intent to appeal the decision to the Board of County Commissioners. Please send this written notice to the attention of Brett Wood, Purchasing Deputy Director, Purchasing and Contracts Division at [Brett.Wood@clarkcountynv.gov](mailto:Brett.Wood@clarkcountynv.gov).

If this determination is acceptable, please submit a written request to withdraw your protest dated May 16, 2024, to Geraldine Cruz, Purchasing Analyst, and Clark County will proceed with returning the protest bond submitted without any further claim against your bond.

Respectfully,

  
[geraldine.cruz \(Jun 13, 2024 11:39 PDT\)](mailto:geraldine.cruz@clarkcountynv.gov)

GERALDINE CRUZ  
Purchasing Analyst II

GVC/ch

Enclosure(s): Monument Construction's Formal Protest Letter dated May 16, 2024  
Soil-Tech Inc.'s Response Letter dated May 23, 2024  
Karst Construction Services, LLC's Nevada Contractor's License No. 0091857

cc: Brett Wood, Purchasing and Contracts  
Adriane Garcia, Purchasing and Contracts  
Jason Patchett, District Attorney's Office



May 16, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155  
PH: 702-455-2897

Via Hand Delivery; and email to: geraldine.cruz@clarkcountynv.gov

**RE: Protest Notification of Intent to Award Bid #606841-23 Desert Breeze Park Baseball Fields**

Dear Ms. Cruz,

Please consider this letter as a formal protest from our company with regard to the above. Pursuant to the Bid Documents and the letters received from our subcontractors attached, we contend that the Clark County Department of Finance Purchasing and Contracts Division (Clark County)'s proposed action to award this project to Soil-Tech, Inc. is respectfully not legal.

Soil-Tech is properly licensed to bid and execute this contract as a whole, yet we believe it is **NOT** properly licensed to self-perform or manage the building construction as indicated in its bid documents. This project includes 2 buildings which require a B license under the below referenced statute. It is our understanding that Soil-Tech is not licensed to construct either building called out in the bid documents, and, did not list a General Building contractor on its 5% or 1% bid documents. By not contracting with a General Building contractor, per NRS 624.215 (5), we believe Soil-Tech is breaking Nevada contracting statutes and its award should be overturned by you.

This project requires both a General Engineering contractor and General Building contractor. NRS 624.215 states:

- "1. For the purpose of classification, the contracting business includes the following branches:*
- (a) General engineering contracting.*
  - (b) General building contracting.*
  - (c) Specialty contracting.*
- General engineering contracting and general building contracting are mutually exclusive branches."*

Soil-Tech is qualified to perform work under the General Engineering contracting classification. Notably, though, we believe it is **not** qualified to construct buildings for it does not possess a B license, nor, has it subcontracted the building portion of the work to a B licensed contractor. Additionally, it is our opinion that Soil-Tech demonstrates that it is not familiar with how to properly bid a project of this magnitude and complexity to the County.

It is our understanding that a General engineering contractor, such as Soil-Tech, is permitted to hire not more than one General Building contractor on a project (NRS 624.215). This is the only legal method for a General Engineering contractor to construct buildings associated with a larger General Engineering project. Monument estimates the two buildings cost \$1.4M (1% of Soil-Tech's bid = \$217,037.30). Soil-Tech did not list any General Building contractors on either their 1% or 5% documents, instead, Soil-Tech listed specialty contractors. Both indicate Soil-Tech's intent to construct the building not in accordance with Nevada law.

NRS 338.1377 states *"the governing body shall adopt the following criteria for determining whether a person who has applied pursuant to NRS 338.1379 is qualified to bid on contracts for public works of the local government."* Criteria #1: the governing body must verify

**MONUMENT CONSTRUCTION**

7787 EASTGATE RD #10 HENDERSON, NV 89011

PH: 702.530.2303 WWW.BUILDMONUMENTS.COM FAX: 702.947.2602  
CA 8948735 AZ B 328669 NV UNLIMITED B 0075502 NV UNLIMITED A 0080549 UT 11362903-5501

05/16/24 11:10:56 CC PURC-23



*"the applicant possesses a valid contractor's license of a class corresponding to the work to be required by the local government."*  
This project requires the Prime Contractor hold an A and B license or hold an A license with a B licensed subcontractor. Again, as above noted, Clark County cannot award this project to Soil-Tech for it does not possess the licenses to self perform this work.

On February 22, 2021, Monument, along with 3 other bidders, were disqualified from bid #605707-20 due to a single sentence in the specifications which stated a subcontractor with a specific certification had to be used. When Clark County questioned Monument, we declared we would meet all conditions of the contract at the proposed price. Also, the awarded GC did not even file a protest per the bid documents. Clark County awarded that 5<sup>th</sup> ranked GC for \$1M more. After the project was complete, Monument learned the awarded GC never followed the condition of disqualification. On Desert Breeze, the award is not over an obscure specification; it is contested due to breach of Nevada statutes.

Monument has reservations about protesting. We believe in the County's right to exercise discretion when it awards contracts. Though Monument would not involve the Nevada State Contractors Board (NSCB), we believe our subcontractors will submit formal complaints against Soil-Tech for contracting outside its license limitations. If Soil-tech is under contract, the NSCB will likely force them to hire an unlisted General Building contractor as a subcontractor. We warn our clients when their decisions may cause harm or future scrutiny. We believe Clark County should **not** award this contract to Soil-Tech. If Clark County contracts with Monument, it will do so in full compliance with all Nevada Revised Statutes.

This protest includes the bonds specified in the bid documents. Monument values your time and consideration. We prefer to directly pay any expense incurred in your consideration. Please contact us directly for reimbursement.

Thank you.

#### MONUMENT CONSTRUCTION

Jon Wayne Nielsen, President  
Cell: 702.576.5210

Cc: John Advent, Real Property Management  
Dan Rakers, Real Property Management  
Ken Ballard, Real Property Management  
Coleen Lyum, Real Property Management  
Fernando Martinez, Real Property Management  
Chat Patel, Real Property Management  
Justin Sagers, Real Property Management  
Parth Gandhi, Monument Construction  
Michael Wells, Monument Construction  
Donald "Butch" Williams, Esquire, Nevada Bar 5548

#### MONUMENT CONSTRUCTION

7787 EASTGATE RD #110 HENDERSON, NV 89011

PH: 702.530.2303 WWW.BUILDMONUMENTS.COM FAX: 702.947.2662  
CA 8948735 AZ B 328669 NV UNLIMITED B 0075502 NV UNLIMITED A 0080649 UT 11362903-5501



May 15, 2024

Monument Construction

Project: Desert Breeze Park Baseball Fields

No.: 606841-23

To whom it may concern:

Soil-Tech, according to the Nevada State Contractors Board (NSCB), does not have a General Building "B" license. Per contract documents, to perform the work on the maintenance building and the prefabricated restroom building, the contractor needed a "B" license. In their 5% and 1% lists, Soil-Tech did not include anyone who carried a "B" license to perform this work. Per NRS 624.215, an "A" license may and should hire a General Building contractor when the scope of work includes a building or structure. Soil-Tech has their "A" license, but they do not have a B license, and they did not list a B-licensed contractor to perform the building of the structures. By Nevada State Contractors Law, Soil-Tech should not have submitted this bid without a listed B licensed contractor. Understanding that the buildings on this project are to be used for support, shelter, and enclosure of persons (ref. NRS 624.215), it is the County's responsibility to not use public funds on a project that does not have qualified building contractors to construct these buildings. We also understand if this contract is awarded to Soil-Tech, the County will take full responsibility for these buildings being built by an unlicensed building contractor.

Sincerely,

The logo for Black Canyon Construction, featuring the word "BLACK" above a mountain range graphic, "CANYON" below it, and "CONSTRUCTION" in a smaller font at the bottom.

*Kelly Perzy*

Kelly Perzy  
President

3395 W. Cheyenne, Suite 106  
North Las Vegas, Nevada 89032  
702) 688.5665 | Fax: 702) 688.5666  
Nevada License C-10 #0060235 Limit \$9,500,000  
DBE Certificate No. NV20413017NUCP



P: 877-686-8873

F: 843-410-5712

146 Fairchild Street, Suite 150

Daniel Island, SC 29492

May 14, 2024

Geraldine Cruz  
500 S Grand Central Parkway  
Las Vegas, NV 89106  
Purchasing & Contracts  
[Geraldine.cruz@clarkcountynv.gov](mailto:Geraldine.cruz@clarkcountynv.gov)

Sprinturf has some concerns regarding CCRPM awarding the 606841-23 - (Desert Breeze Park Baseball Fields).

Soil-Tech, according to the Nevada State Contractors Board (NSCB), does not have a General Building "B" license. Per contract documents, to perform the work on the maintenance building and the prefabricated restroom building, the contractor needed a "B" license. In their 5% and 1% lists, Soil-Tech did not include anyone who carried a "B" license to perform this work. Per NRS 624.215, an "A" license may and should hire a General Building contractor when the scope of work includes a building or structure. Soil-Tech has their "A" license, but they do not have a B license, and they did not list a B-licensed contractor to perform the building of the structures. Therefore, Soil-Tech should be disqualified.

American Southwest Electric (ASE) 5% list had a subcontractor who submitted a proposal exceeding its bid limit. Wadsworth was listed as a subcontractor on the ASE 5% list. According to the bid ASE submitted at \$21,784,293, the 5% list had to include a proposal in excess of \$1,089,214.65. Wadsworth exceeded its bid limit by at least \$339,214.62. Therefore, American Southwest Electric should be disqualified.

Sprinturf believes that, due to the information above, CCRPM needs to remove the award to Soil-Tech and reconsider the proposals that met all the standards and criteria set forth in the bid documents. This reconsideration process should be conducted in a fair and transparent manner, ensuring that all qualified proposals are given due consideration.

Tyson Jaquez  
West Coast Director of Sales  
[tjaquez@sprinturf.com](mailto:tjaquez@sprinturf.com)  
530-249-0581



**SOLID STATE ELECTRIC LLC**  
**7787 Eastgate Road, Suite 100**  
**Henderson Nevada 89011**

**Phone: (702) 566-6600**  
**License # 0055400 C-2 F-414**

March 14, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155  
PH: 702-455-2897

EMAIL: [geraldine.cruz@clarkcountynv.gov](mailto:geraldine.cruz@clarkcountynv.gov)

Ms. Cruz,

Solid State Electric has concerns regarding the Notification of Intent to Award for bid 606841-23 Desert Breeze Park Baseball Fields published on May 13, 2024. It states that Soil-Tech, Inc. as the low bidder will be awarded this project. Solid State Electric intends to partner with Monument Construction on this project, so we request this letter be included with their official protest.

Specifically, our concern is that Soil-Tech is an A licensed contractor attempting to perform a B licensed contractors work. This project includes a maintenance building and a restroom building. They are features of the larger park and sports field project, but like all features of a project, they require proper licensing to perform. In our opinion, Soil-Tech is licensed to bid and perform this project as a whole, but they are not licensed to perform the buildings included in the project scope. Per NRS 624.215, Soil-Tech as an A licensed contractor is required to subcontract the buildings to a B licensed contractor. Their bid documents indicate that they will not subcontract with a B licensed contractor which is clear violation of the NRS.

Additionally, American Southwest Electric (ASE) listed a subcontractor, Wadsworth Grading (#47222), on their 5% list. 5% of ASE's bid is \$1,089,214 so any contractor who bid a scope larger than this number was included on ASE's listing. Wadsworth has a bid limit of \$750,000. This indicates ASE accepted and included a subcontractors bid which was more than \$339k above that subcontractor's limit. This is also a clear violation of Nevada contracting law.

In light of this clarity, Solid State Electric requests the County thoroughly re-review the information on this bid. We believe, based on the NRS and the County's ruling on past projects with similar concerns, this is clear grounds to disqualify both Soil-Tech and ASE from this project.

Respectfully,

**Jared Gunderson**  
President  
Solid State Electric LLC  
[jared@solidstateelectric.com](mailto:jared@solidstateelectric.com)  
(702) 491-6334



**Monument Construction**  
 7787 Eastgate Road, Unit 110  
 Henderson, Nevada 89011  
 P: (702) 530-2303  
 F: (702) 947-2602

**Project: 24042 Desert Breeze Park Baseball Fields**  
 8275 Spring Mountain Road  
 Las Vegas, Nevada 89147

## Transmittal #1 - Bid #606841-23 Protest Files

<b>To</b>	Geraldine Cruz (Clark County Real Property Management) 500 S Grand Central Pkwy 4th Floor Las Vegas, Nevada 89155	<b>From</b>	Michael Wells (Monument Construction) 7787 Eastgate RD #110 Henderson, Nevada 89011
<b>Date Created</b>	May 16, 2024		
<b>Copies To</b>			
<b>Transmit</b>	Attached	<b>Sent Via</b>	Attached
<b>Submitted For</b>	Review and Comment	<b>Action As Noted</b>	

### Transmittal Items

Format	Description	Date	Copies
Document	Protest Bond <a href="#">View</a>	May 16, 2024	1
Document	Monument protest letter <a href="#">View</a>	May 16, 2024	1
Document	Black Canyon protest letter <a href="#">View</a>	May 16, 2024	1
Document	Sprinturf protest letter <a href="#">View</a>	May 16, 2024	1
Document	Solid State Electric protest letter <a href="#">View</a>	May 16, 2024	1

### Comments

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

05/16/24 11:05 AM PRC:RPS



May 23, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Parkway  
Las Vegas, Nevada 89155  
702-455-2897

Dear Ms. Cruz,

Soil-Tech is in receipt of the bid protest made by Monument Construction, Black Canyon Construction, Sprinturf, and Solid State Electric ("Protest") and we write in response thereto. We appreciate the opportunity to address these issues and to clarify that Soil Tech's bid submission and the County's award are compliant with Nevada law.

The Protest raises the claim that Soil-Tech has not "subcontracted the building portion of the work to a B licensed contractor" and therefore Soil-Tech is not permitted by Nevada law to perform the work. This claim is factually inaccurate.

Contractors or subcontractors whose work constitutes less than 1% of the total bid amount are not required to be listed in the bid documents at the time of submission. Our thorough internal review and cost analysis demonstrates that the work to be performed by the B licensed contractor in our bid indeed falls below this threshold. Consequently, in compliance with the stipulated guidelines, the B licensed contractor was not listed in the initial bid documents, nor were they required to be.

Unfortunately, the Protest incorrectly assumes, without confirmation or verification, that Soil-Tech did not subcontract with a B licensed contractor as required by the project. In truth, Soil-Tech's bid submission accurately reflects the scope of work and complies with the requirements specified by Clark County. Therefore, Soil-Tech's bid submission and the County's award are compliant with Nevada law. We appreciate the opportunity to clarify this matter and trust that this explanation resolves the concerns raised in the Protest. Should you require further information or additional documentation, please do not hesitate to contact us.

Thank you,

A handwritten signature in black ink, appearing to read "Brent Neel".

Brent Neel



(<http://www.nscb.nv.gov/>).

## License Details

**Current Date:** 6/3/2024

**1:47:42 PM**

**(mm/dd/yyyy)**

**License Number:**  
0091857

**Business Primary Name:** KARST CONSTRUCTION SERVICES LLC

**License Monetary Limit:** \$1,300,000.00

**DBA Name:**

**Mailing Address:** 3470 FRANK DEREK AVE  
LAS VEGAS, NV 89139  
(702) 533-2995

**Physical Address:** 3470 FRANK DEREK AVE  
LAS VEGAS, NV 89139  
(702) 533-2995

**Status:** Active

**Status Date:** 03/11/2024  
(mm/dd/yyyy)

**Origin Date:** 03/11/2024  
(mm/dd/yyyy)

**Expiration Date:** 03/31/2026  
(mm/dd/yyyy)

**Business Type:** Limited Liability Company

**Classification(s):** B-2 Residential and Small Commercial

**Limitation:**

**Principal Name**

**Relation Description**

LAWSON, JARED SEELY  
LAWSON, EDEANE  
RENE

Manager  
Manager

**Qualified Individual(s)**

**Qualifier Type**

LAWSON, JARED SEELY  
LAWSON, EDEANE  
RENE

CMS  
Trade

**Bond**

Bond Type: Surety  
Bond Number: 100373431  
Bond Agent:  
Surety Company: MERCHANTS BONDING COMPANY (MUTAL)  
Bond Amount: \$15,000.00  
Effective Date: 03/04/2024 (mm/dd/yyyy)

The information contained on these pages are provided as a courtesy and may not reflect recent changes or updates. Neither the completeness nor accuracy is guaranteed. The Nevada State Contractors Board shall have no liability or responsibility for loss and damages arising from the information provided or retrieved from these pages.

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[New Disciplinary Actions Search](#)

# EXHIBIT E



June 25, 2024

Brett Wood  
Purchasing Deputy Director  
Clark County Purchasing and Contracts  
500 S Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155

Via email to: Brett.Wood@clarkcountynv.gov

**RE: Notice of Intent to Appeal Protest Determination Dated June 13, 2024 Bid #606841-23 Desert Breeze Park Baseball Fields**

Dear Mr. Wood,

This letter is notice of our intent to appeal the CCPCD's Protest Determination to the Board of County Commissioners.

Monument submitted a bid protest on bid #606841-23 Desert Breeze Park Baseball Fields on May 16, 2024. Clark County Purchasing and Contracts Division (CCPCD) responded with its Protest Determination letter dated June 13, 2024.

Monument was glad the Protest Determination agreed with cited Nevada Revised Statutes regarding the appropriate contracting licenses. Unfortunately, the Protest Determination overlooked written evidence of Soil-Tech's intent to Prime Contract the construction of a building without the appropriate licensing. Soil-Tech listed its direct Specialty Subcontractors for the building on their 1% bid document. Monument's full description of this issue is included in the attached supplementary letter.

Thank you for your consideration.

**MONUMENT CONSTRUCTION**

Jon Wayne Nielsen, President  
Cell: 702.576.5210

Cc: Michael Wells, Monument Construction;  
Donald "Butch" Williams, Esquire, Nevada Bar 5548

**MONUMENT CONSTRUCTION**

7787 EASTGATE RD #110 HENDERSON, NV 89011

PH: 702.530.2303 WWW.BUILDMONUMENTS.COM FAX: 702.947.2602

CA B948735 AZ B 328669 NV UNLIMITED B 0075502 NV UNLIMITED A 0080649 UT 11362903-5501



June 25, 2024

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155  
PH: 702-455-2897

Via email to: geraldine.cruz@clarkcountynv.gov

**RE: Protest Determination Dated June 13, 2024 Bid #606841-23 Desert Breeze Park Baseball Fields**

Dear Ms. Cruz,

Monument is glad all parties agree on the primary licensing rules; this project requires a Nevada State Contractor Board (NSCB) General Engineering (A) license and a General Building (B) license. Lacking both licenses, an A licensed contractor must subcontract the building to a B licensed contractor to perform.

Monument is disappointed that the 6/13/24 determination perceived our protest "lacks merit" citing that Soil-Tech provided a proposal from NSCB B2 licensee, Karst Construction Services, LLC (Karst) under \$217,037.30. Any proposal from Karst is in conflict with Soil-Tech's time stamped bid documents which describe Soil-Tech's intent to act as a "prime" contractor over the *unrelated trades and crafts* to build the building. Soil-Tech listed its direct subcontract with US Mechanical for the building's HVAC and Plumbing. There is no General Engineering explanation for hiring building trades direct on this project.

Based on our understanding of NRS 624.215, Soil-Tech cannot both hire B2 licensed Karst to manage the building and at the same time subcontract building trades to manage directly. Despite new information regarding Karst, Soil-Tech is not licensed to contract with building specialty trades. By Soil-Tech's own bid documents, not our assumption, Soil-Tech described its intent to do just that.

Such could be a violation of Nevada Law, subject to disciplinary action described in NRS 624.3014 (2)(b) and (d). Additionally, a B2 licensee could also be subject to disciplinary action described in NRS 624.3014 (2)(a) and (c). The NSCB does not make determinations in contested bids, but they are mandated by NRS 624.112 to investigate complaints regarding *cause for disciplinary action*. Disciplinary action defined in NRS 624.300 could prevent a contractor from completing contracts with CCPCD. Monument or our subcontractors will submit a NSCB complaint which CCPCD should consider prior to contracting.

Thank you,

**MONUMENT CONSTRUCTION**

Jon Wayne Nielsen, President  
Cell: 702.576.5210

Cc: Michael Wells, Monument Construction;  
Donald "Butch" Williams, Esquire, Nevada Bar 5548

**MONUMENT CONSTRUCTION**

7787 EASTGATE RD #110 HENDERSON, NV 89011  
PH: 702.530.2303 WWW.BUILDMONUMENTS.COM FAX: 702.947.2602  
CA 8948735 AZ B 328869 NV UNLIMITED B 0075502 NV UNLIMITED A 0080649 UT 11362903-5501

**BID NO. 606841-23**  
**DESERT BREEZE PARK BASEBALL FIELDS**  
**BID ATTACHMENT 3 – REVISED PER ADDENDUM NO. 3**  
**DESIGNATION OF SUBCONTRACTORS**

**SUBCONTRACTORS EXCEEDING 1% OF BASE BID AMOUNT**

**PRIME CONTRACTOR MUST INCLUDE ITS NAME ON THIS LIST IF HE OR SHE INTENDS TO PERFORM ANY OF THE LABOR OR PORTIONS OF THE PUBLIC WORK. IT IS STRONGLY ADVISED THAT ALL BIDDERS SUBMIT THIS FORM WITHIN 2 HOURS AFTER THE COMPLETION OF THE OPENING OF THE BIDS.**

Within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing:

- (1) The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding \$250,000.
- (2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding \$250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or \$50,000, whichever is greater.

A bidder that fails to submit the list within the required time represents that no subcontractor(s) meet the statutory requirements. The contractor shall not substitute any person for a subcontractor who is named in this bid, pursuant to Nevada Revised Statute 338.141. If a contractor does not submit this list and has subcontractor(s) that meet the statutory requirements, its bid shall be deemed not responsive.

DESCRIPTION OF WORK	CONTRACTOR'S NAME(S)	NV STATE CONTRACTORS' LICENSE NUMBER	*BEG	*ETHNICITY
Native Restoration, Landscape, Fence	Soil-Tech	78828, 33450, 91715	N/A	Cauc
DESCRIPTION OF WORK	SUBCONTRACTOR'S FIRM NAME(S)	NV STATE CONTRACTORS' LICENSE NUMBER	*BEG	*ETHNICITY
Electrical	Wheelers Electric, Inc.	18974		
Grading, Wet Utilities	Jet Civil	89582		
Concrete	Stewart & Sundell	26259B		
Synthetic Turf	Hellas	59089		
Playground, Shade Structures	Great Western	86241		
HVAC & Plumbing	US Mechanical	31212A, 57582		
Masonry	Henderson Masonry	52532A		
Paving	Wells Cargo	273 AB		
Structural & Misc. Steel, Signs	High Impact Signs	47418A, 90156		
Netting, Misc. Handrails	Red Star	77436A, 77656		

<b>Soil-Tech, Inc.</b>	702 873-2023
Legal Name of Firm as it would appear in Contract	Telephone Number
6420 S. Cameron Street Ste. 207 Las Vegas NV 89118	
Address including City, State and Zip Code	Signature of Bidder (Authorized Representative)

\* Reference Instructions to Bidders for Definitions (Section 7.3(d))

# EXHIBIT F

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KAEMPFER

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July 5, 2024

**VIA EMAIL AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Geraldine Cruz  
Purchasing Analyst II  
Clark County Purchasing and Contracts  
500 S. Grand Central Pky 4<sup>th</sup> Floor  
Las Vegas, NV 89155  
[geraldine.cruz@clarkcountynv.gov](mailto:geraldine.cruz@clarkcountynv.gov)

***Re: Bid Number 606841-23 Desert Breeze Park Baseball Fields –Response to Monument’s Appeal***

Dear Ms. Cruz:

Our office represents Soil-Tech, Inc. (“Soil-Tech”). As you know, Soil-Tech was the winning bidder on Clark County Purchasing and Contracts Division’s (the “Division”) award of Bid Number 606841-23 for work on the baseball fields, maintenance building, and restrooms at Desert Breeze Park (the “Project”). On June 25, 2024 Monument Construction (“Monument”), the third lowest bidder on the Project, filed a Notice of Appeal of that award. After review of that Notice of Appeal, the Division rightfully confirmed the award of the Project to Soil-Tech under NRS 624.215.

The Division’s award to Soil-Tech should be upheld for the following reasons: (1) The work of Soil-Tech’s appointed contractor in question on the Project constitutes less than 1% of the total bid. Therefore, Soil-Tech was not required to specifically list those contractors on their bid documents and (2) Soil-Tech is a properly licensed Nevada contractor and under their license may contract or subcontract with other contractors. The award of the Project to Soil-Tech is further supported, not just by the clear reading of the Nevada statutes, but by the legislative history surrounding the adoption of NRS 624.215 and by the related case law on statutory interpretation, all as further discussed below.

**Timeline**

- On March 20, 2024, the Division received six (6) bids for the Project. Soil-Tech’s bid of \$21,703,730.00 is the apparent low bidder. Monument is the apparent third lowest bidder with a bid amount of \$21,823,800.20.
- On March 25, 2024, the Division formally requests the name of Soil-Tech’s B licensed subcontractor.
- On March 27, 2024, Soil-Tech provides the Division with the name of Karst Construction (“Karst”) as its B licensed subcontractor. The B licensed contractor was not required to be

listed on the original bid since the subcontractor's work is less than 1% of the total bid amount.

- On May 13, 2024, the Division:
  - Awards the Project to Soil-Tech.
  - Soil-Tech provides the Division the supplier information, subcontractor list, and the required bid bond.
- On May 16, 2024, Monument submits their Protest Notification of Intent to the Division.
- On May 24, 2024, at the Division's request, Soil-Tech provides additional information.
- On June 13, 2024, the Division issues a Protest Determination letter affirming its award of the Project to Soil-Tech.
- On June 20, 2024, at the Division's request, Soil-Tech confirms they will hold the bidding price for an additional 30-days.
- On June 25, 2024, Monument appeals the Division's determination.

## **Background**

Because of Soil-Tech's extensive background related to the construction of and improvements to parks throughout Southern Nevada, Soil-Tech submitted a bid to the Division for the Project. The bid requires a prime contractor hold either an A or B contractor license. Since Soil-Tech holds an A-general engineering contracting ("A-GEC") license, Soil-Tech appropriately submitted their bid to the Division.

Soil-Tech is a Las Vegas-based contractor and has been operating in Southern Nevada for nearly 35 years. For these more than three (3) decades, Soil-Tech has participated, in one way or another, in the construction of virtually all public park projects and numerous private park projects in southern Nevada. Attached hereto, as Exhibit 1, is a comprehensive list of park projects on which Soil-Tech has worked since 1991. Most recent and notable public park projects include the Hollywood Regional Park, the James Regional Park, the Tee Pee Park, and Gilmore Cliff Shadows Park. Soil-Tech also acted as the prime contractor for the private park Redpoint Arroyo located in Summerlin.

In addition to holding an A-GEC license, Soil-Tech holds several other Nevada licenses including C-10, C-25, and C-40 along with multiple licenses in the states of California, Utah, Arizona, and New Mexico. In nearly 35 years of operation under these various licenses, Soil-Tech has proudly maintained an impeccable record with the Nevada State Contractor's board and with the various and numerous county and city agencies and departments with whom they have worked. All of Soil-Tech's licenses remain in good standing, with no filed complaints, claims, or lawsuits related to any of their licenses or bonds.

## **Karst work constitutes less than 1% of the total bid amount**

The Division thoroughly reviewed all materials, including a review of Soil-Tech's B licensed contractor, Karst. When the Division requested additional information from Soil-Tech regarding Karst, the Division determined Karst's work on the Project is clearly less than 1% of the

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\$21,703,730.00 bid amount. Since the amount is less than 1% of the total bid amount, the Division correctly concluded Soil-Tech was under no obligation to provide the B license contractor information at the time of the original bid. As confirmed by the Division, Soil-Tech has sufficiently and appropriately complied with all requirements pertaining to this bid. Despite the good faith information provided by Soil-Tech and despite the Division's own independent review of that information, Monument still questions the Division's findings and claims the Division "overlooked" evidence. That is simply and completely untrue.

### **The Division properly awarded the Project under NRS 624.215**

Monument interprets NRS 624.215 to suggest that Soil-Tech cannot both hire Karst as a general building contractor and hire a specialty contractor. There is no support for that position whatsoever.

Soil-Tech is an A-GEC. And, as emphasized by Monument, a GEC and a general building contractor ("GBC") involve *mutually exclusive branches*. NRS 624.215(1). The legislative history shows as much. The amendments to NRS 624.215 show the legislative intent to draw a clear distinction between GEC and GBC. Most recently, effective May 22, 2023, the legislature focused on subsection (6) of the statute to further specify the contracting rights of a *GBC*. The legislative purpose was to "remedy the unintended consequence and ensure that the work is only performed by licensees with the proper qualification and skill set based on the scope of work." The minutes from the legislature state that the amendment "only narrows it down to the general building contractor." If they wanted to strictly limit GECs the same way, they would have done so.

Monument's argument that Soil-Tech has violated NRS 624.215(5) is specious. The argument fails to realize that such provision is inapplicable to Soil-Tech. As reiterated, Soil-Tech has hired one B licensed contractor (Karst) and a number of specialty contractors. There is no statutory language specifying that the GEC may not hire a *specialty contractor* like the way it is now specified for a *GBC*. The legislature has made clear their intention to divide the difference between a GEC and a GBC. If they intended to restrict a GEC from hiring specialty contractors, they would have written as such in the statute. Further, it is a general rule that "[t]he goal of statutory interpretation is to give effect to the legislature's intent." *Hobbs v. State*, 127 Nev. 234, 237, 251 P.3d 177, 179 (2011). The canon of statutory interpretation provides that a "legislature's omission of language included elsewhere in the statute signifies an intent to exclude such language." See *Rural Tel. Co. v. Pub. Utils. Comm'n*, 133 Nev. 387, 389, 398 P.3d 909, 911 (2017). Here, the intent is clear that the legislature limits GBCs, NOT GECs; and therefore, the statute does not prohibit GECs from hiring a specialty contractor.

It is further noted that, despite Monument's baseless argument that "there is no [g]eneral [e]ngineering explanation for hiring building trades direct on this project," nowhere in the statute is it required for a GEC to explain its rationale or reason for hiring a GBC.

### **Public policy demands appeal be denied**

When the language [of the statute] does not speak to the issue, it is construed to be according to that which “reason and public policy would indicate the legislature intended.” *State, Dep’t Mtr. Vehicles v. Vezeris*, 102 Nev. 232, 236, 720 P.2d 1208, 1211 (1986).

Even if the intention is not explicitly mentioned in the statute, NRS 624.215 should be read in favor of Soil-Tech. The general rule of bidding is to “**preserve the competitive nature of bidding by preventing unfair advantage to any bidder, or other conditions undermining the necessary common standard of competition** (Emphasis added.)” *Faust v. Donrey Media Group*, 95 Nev. 235, 237, 591 P.2d 1152, 1154 (1979).

### Conclusion

There can be no question that the Protest and Appeal process can serve a legitimate purpose, but only where it is clear and unequivocal that a bidder has violated a material term of the bid documents, or its bid is clearly in violation of state or local law. Nothing like that is even remotely present here. No public purpose is served by honoring this Appeal and in taking this award away from Soil-Tech. In fact, just the opposite is true. Recognizing an Appeal where there is no basis, in either fact or law, creates an uncertainty that can throw the entire bid process into uncertainty and disarray. Soil-Tech won this bid fair and square and that determination has been supported by the Division and, respectfully, it should be honored by the County. Therefore, Soil-Tech respectfully requests that the County affirm the Division’s award to Soil-Tech and deny Monument’s Appeal.

Sincerely,

**KAEMPFER CROWELL**



Christopher L. Kaempfer

CLK/ajc

Enclosures:

cc: Soil-Tech, Inc.

Prime Contractor

Redpoint Arroyo Ph1 Park - Howard Hughes -2023  
Parcel Redpoint Gateway Monument V21 Summerlin – Howard Hughes -2022  
Sonata Park Trail - City Of Henderson -2021  
Sonata Park Revegetation – City Of Henderson -2018

Sub Contractor

Tee Pee & Patrick Neighborhood Park -2024  
Hollywood Regional Park -2023  
City of Henderson Inspirada Police Station -2021  
City of Henderson Inspirada Center of Excellence -2021  
V24 NP-1 Stonebridge Park -2020  
James Regional Park Ph.2 -2019  
UPRR Trail North -2019  
Beaver Dam State Park - 2019  
Inspirada Park L (Attesa) -2019  
Gilmore Cliff Shadows Park -2019  
Wigwam Torrey Pines Park -2018  
Allegro Park Native Revegetation -2018  
V16A Oak Leaf Park Summerlin -2018  
Sagemont Park -2018  
James Regional Park Ph.1 -2017  
Esselmont Park Ph.2 -2017  
Clark County Multi-use Service Center -2016  
Cabana & McCleod -Clark County Public Works -2016  
City of Henderson Inspirada #91 Fire Station -2016  
Paradise Point Park – 2015  
Inspirada Park F (Aventura) -2015  
Bootleg Canyon Park –2015  
Lone Mountain Park Phase V –2015  
Angel Park (Durango & Summerlin Pkwy) –2014  
Inspirada Park B (Capriola) -2014  
Inspirada Park C (Potenza) -2014  
Boulder Creek Park -2014  
Lorenzi Park Ph.3 -2014  
Lake Mead Parkway Trail -2014  
Mountains Edge Regional Park -2013  
Wetlands Park Nature Preserve -2013  
Duck Creek Trailhead -2013  
Arroyo Grande Park Renovation Project -2012  
Stonewater Park -2012  
Whitney Mesa Recreation Area -2012  
Craig Ranch Regional Park Ph.2 -2011  
Russell Road Recreation Center -2011  
Heritage Park Ph.2 -2011  
Wetlands Park Pabco & Wells Trailhead -2011  
Charlie Frias Park -2011  
Knickerbocker Park -2011  
Floyd Lamb State Park -2011  
Symphony Park Ph.2A -2011  
Equestrian Park Trailhead -2010  
Hidden Falls Park -2010  
Reunion Trails Park -2010  
St. Rose Trail Ph.2 -2010  
Morrell Park -2010  
Downs 5 Linear Park - 2009  
Sunset Regional Park -2008  
Paseo Verde Park -2002  
Spring Valley Community Park -1991