

Amendment No. 1 to
Co-op Agreement No. PR 057-08-015

This Amendment is made and entered into this _____ day of _____, 2008, between the State of Nevada, Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of Las Vegas, 400 East Stewart Avenue, Las Vegas, NV 89101, hereinafter referred to as the CITY.

WITNESSETH:

WHEREAS, on April 8, 2008, the parties entered into Agreement No. PR 057-08-015 to delegate authority to the CITY to design, advertise, award, and manage construction of the Horse Drive and US 95 Interchange; and

WHEREAS, this amendment increases the amount of funding to the project.

WHEREAS, the parties hereto desire to make certain amendments to Agreement No. PR 057-08-015.

NOW, THEREFORE, the parties agree as follows:

A. Add Article I, Paragraph 5, as follows:

5. To program an additional Twenty One Million and no/100 Dollars (\$21,000,000.00) of STP Clark County Funds along with a 5% match of One Million One Hundred Five Thousand Two Hundred Sixty Three and no/100 Dollars (\$1,105,263.00) to be the responsibility of the City of Las Vegas.

Article I, Paragraph 21, is amended by deleting it in its entirety and inserting in its place:

21. To reimburse the CITY for 95% of eligible costs, monthly as work progresses on the PROJECT, for Construction Costs based on supporting documentation minus any DEPARTMENT PROJECT expenses. To program Transportation Improvement Funds as they become available for a maximum of Four Million Eight Hundred Thousand and No/100 Dollars (\$4,800,000.00). In Federal Fiscal Year 2005, Eight Hundred Twenty-One Thousand Two Hundred Fifty-Four and No/100 Dollars (\$821,254.00) was made available. In Federal Fiscal Year 2006, Eight Hundred Twenty-Seven Thousand Three Hundred Five and No/100 dollars (\$827,305.00) was made available. In Federal Fiscal Year 2007, Eight Hundred Eighty-Four Thousand Three Hundred Seventy-Five and No/100 Dollars (\$884,375.00) was made available. In Federal Fiscal Year 2008, 20% or Nine Hundred Sixty Thousand and No/100 Dollars (\$960,000.00) will be made available subject to any fund distribution limitations that may be imposed by the Federal Highway Administration. In Federal Fiscal Year 2009 20% or Nine Hundred Sixty Thousand and No/100 Dollars (\$960,000.00) will be made available subject to any fund distribution limitations that may be imposed by the Federal Highway Administration. To fund an additional Twenty-One Million and No/100 Dollars (\$21,000,000.00) of STP Clark County funding to the project. Eligible PROJECT costs are those costs as defined in the applicable Office of Management and Budget (OMB) Circulars including but not limited to those listed on Attachment B.

Article II, Paragraph 24, is amended by deleting it in its entirety and inserting in its place:

24. As work progresses on the PROJECT, the CITY shall provide the DEPARTMENT with monthly invoices for payment of the actual PROJECT costs. The invoice shall be based upon and accompanied by auditable supporting documentation. Total reimbursement shall not exceed the total obligated amount, as established in Article I Paragraph 4, less any DEPARTMENT PROJECT costs. The maximum amount of SAFTEA-LU Federal

funds as they become available may be up to Four Million Eight Hundred Thousand and No/100 Dollars (\$4,800,000.00) which requires a 5% match of Two Hundred Fifty-Two Thousand Six Hundred Thirty-Two and no/100 Dollars (\$252,632.00) of local funds to be the responsibility of the City of Las Vegas. In Federal Fiscal Year 2005, Eight Hundred Twenty-One Thousand Two Hundred Fifty-Four and No/100 (\$821,254.00) was made available. In Federal Fiscal Year 2006, Eight Hundred Twenty-Seven Thousand Three Hundred Five and No/100 (\$827,305.00) was made available. In Federal Fiscal Year 2007, Eight Hundred Eighty-Four Thousand Three Hundred Seventy-Five and No/100 (\$884,375.00) was made available. In Federal Fiscal Year 2008, 20% or Nine Hundred Sixty Thousand and No/100 (\$960,000.00) may be made available subject to any fund distribution limitations that may be imposed by the Federal Highway Administration. In Federal Fiscal Year 2009, 20% or Nine Hundred Sixty Thousand and No/100 (\$960,000.00) may be made available subject to any fund distribution limitations that may be imposed by the Federal Highway Administration. The maximum amount of RTC Clark County STP Funding shall be Twenty-One Million and No/100 Dollars (\$21,000,000.00) which requires a 5% match of One Million One Hundred Five Thousand Two Hundred Sixty-Three and no/100 (\$1,105,263.00) of local funds to be the responsibility of the City of Las Vegas. Invoices for the construction phase including the final invoice shall be forwarded to the DEPARTMENT's Resident Engineer for review. The DEPARTMENT's Resident Engineer shall forward the invoice to the DEPARTMENT's Project Manager for processing. Eligible PROJECT costs are those costs as defined in the applicable OMB Circulars including but not limited to those listed on Attachment B.

Article III, Paragraph 4, is amended by deleting it in its entirety and inserting in its place:

4. The PROJECT funding consists of Twenty-Seven Million One Hundred Fifty-Seven Thousand Eight Hundred Ninety-Five and no/100 Dollars (\$27,157,895.00), which includes Federal SAFETEA-LU funding for Four Million Eight Hundred Thousand and No/100 Dollars (\$4,800,000.00) as it becomes available, and a 5% match of Two Hundred Fifty-Two Thousand Six Hundred Thirty-Two and no/100 Dollars (\$252,632.00), comprising five percent (5%), which match shall be the responsibility of the CITY and STP Clark County Funding of Twenty-One Million and No/100 Dollars (\$21,000,000,000.00) and a 5% match of One Million One Hundred Five Thousand Two Hundred Sixty-Three and no/100 Dollars (\$1,105,263.00), which shall be the responsibility of the CITY. The maximum amount of SAFETEA-LU funds as they become available may be up to Four Million Eight Hundred Thousand and No/100 Dollars (\$4,800,000.00). In Federal Fiscal Year 2005, Eight Hundred Twenty-One Thousand Two Hundred Fifty-Four and No/100 (\$821,254.00) was made available. In Federal Fiscal Year 2006, Eight Hundred Twenty-Seven Thousand Three Hundred Five and No/100 (\$827,305.00) was made available. In Federal Fiscal Year 2007, Eight Hundred Eighty-Four Thousand Three Hundred Seventy-Five and No/100 (\$884,375.00) was made available. In Federal Fiscal Year 2008, 20% or Nine Hundred Sixty Thousand and No/100 (\$960,000.00) may be made available subject to any fund distribution limitations that may be imposed by the Federal Highway Administration. In Federal Fiscal Year 2009, 20% or Nine Hundred Sixty Thousand and No/100 (\$960,000.00) may be made available subject to any fund distribution limitations that may be imposed by the Federal Highway Administration.

Article III, Paragraph 5, is amended by deleting it in its entirety and inserting in its place:

5. The following is a summary of estimated costs and available funds:

Estimated PROJECT Costs:

| | |
|--|-------------------------|
| DEPARTMENT Preliminary Engineering Costs: | \$ 100,000.00 |
| DEPARTMENT Right-of-Way Costs: | \$ 10,000.00 |
| DEPARTMENT Construction Engineering Costs: | \$ 100,000.00 |
| Clark County Construction Costs | \$ <u>26,947,895.00</u> |
| <u>Total Costs:</u> | \$ 27,157,895.00 |

Available Funding Sources:

| | |
|--------------------------------------|------------------------|
| RTC Clark County STP Funding | \$21,000,000.00 |
| Federal SAFTEA-LU Funds Section 1702 | \$ 4,800,000.00 |
| LOCAL Funds | \$ <u>1,357,895.00</u> |
| Total Funds Available | \$27,157,895.00 |

B. All of the other provisions of Agreement No. PR 057-08-015, dated April 8, 2008, shall remain in full force and effect as if set forth herein.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

CITY: City of Las Vegas

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION

Director

Name (Print)

Title (Print)

Approved as to Form:

Approved as to Legality & Form:

John S. Ridilla 6/25/08

John S. Ridilla, Deputy City Attorney

Deputy Attorney General