

FIRST AMENDMENT

THIS FIRST AMENDMENT is made and entered into this ____ day of _____, _____, by and between the City of Las Vegas, a municipal corporation of the State of Nevada (herein the "City"), and Orth-Rodgers and Associates, Inc., a Corporation (herein the "Consultant").

WHEREAS, the City and the Consultant have entered into an Agreement dated September 5, 2007, (herein the "Agreement"), retaining the services of the Consultant for engineering design services more fully described therein in connection with the improvements to be constructed at various intersections as described in Exhibit "A" Scope of Services and,

WHEREAS, since entering into the Agreement, the City desires to modify the services of the Consultant to provide additional design and historical surveys as required to meet American Recovery and Reinvestment Act of 2009 requirements.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree that the following changes shall be made to the Agreement:

1. Attachment "A" Scope of Services provides detail of additional design required.
2. Exhibit "D" Fee Breakdown is hereby amended to increase the total compensation of the entire Agreement referenced herein by \$112,119.56 from \$284,089.00 to \$396,208.56.
3. A new Exhibit "E" Additional Compensation is attached
4. A new Disclosure of Ownership/Principals is attached for amendments over \$25,000.
5. All other provisions of the Agreement remain in force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed the day and year first above written.

CITY OF LAS VEGAS

By: _____
Kathleen C. Rainey, Manager
Purchasing and Contracts
"CITY"

ORTH-RODGERS ASSOCIATES, INC.

By: Richard T. Romer
Richard T. Romer, Principal
"CONSULTANT"

ATTEST:

Beverly K. Bridges, CMC Date
City Clerk

APPROVED AS TO FORM:

John S. Ridella 10/12/09
Deputy City Attorney Date

ATTACHMENT A
SCOPE OF SERVICES
TRAFFIC PACKAGE 7

BACKGROUND

On September 11, 2007, Orth-Rodgers & Associates (ORA) entered into an agreement with the City of Las Vegas (City) to provide engineering design services, preparation of Contract Drawings, Special Provisions and Cost Estimates for Traffic Package 7. A detailed scope of services for the Project is included in the Engineering Design Services Agreement.

This Scope of Additional Services outlines additional design work directed to be performed by the City that is necessary to successfully complete the project.

800.01 Historic Research Architectural Study

The City requested ORA provide an historical architectural research study for the intersections of Bonanza Road/Tonopah Drive and Washington Avenue/Comstock Drive due to federal funding requirements related to these two intersections. This effort will include an architectural evaluation by SWCA Environmental Consultants as well as support efforts by ORA. An architectural assessment will be made of the buildings at the two intersections noted. In addition, an architectural/historical assessment of the entire Bonanza Village neighborhood adjacent to the Washington Avenue/Comstock Drive intersection may be required. ORA's supplemental efforts are as follows:

- Attend two (2) coordination meetings for this specific task.
- Coordination with SWCA as required in preparation of the report.
- CAD support as required in preparation of the report.

All the effort described above is beyond the scope of the original scope of services and any supplements approved prior to this supplement request.

800.02 Additional Design Services Required to Conform to ARRA Requirements

TP7A – Schedule Impacts

The schedule on TP7A extended beyond the original scoped schedule due to additional design and plans review by NDOT in order to meet ARRA requirements. As a result, the project required more project management and sub-consultant management than originally anticipated.

TP7A – Special provisions

Additional effort will be required to update special provisions due to changes in design to conform to ARRA requirements. Special provisions will also need to be updated for current CLV standards due to additional submittal of plans.

TP7A – Cost Estimates

Additional effort will be required to update the estimate of cost due to changes in design to conform to ARRA requirements. Revisions to design require a review of all pay items that have changed. Quantity calculations will be revised. All unit costs will be reviewed and updated due to an additional submittal of plans and the extension in time from the previous submittal's analysis of costs.

TP7A – Additional Design Effort

Efforts beyond those originally scoped will be required to coordinate and address comments from NDOT relating to recent changes in the project due to stimulus funding. ORA received the NDOT comments (generated by Jason Tyrrell) on June 22, 2009 from the City. This task includes ORA's effort to address design changes, additional coordination meetings, additional coordination with NDOT, additional ROW issues and TCE changes, additional plan submittals and additional utility coordination. The comments from NDOT can be generally summarized as follows:

1. Plan sheet comments for Sahara/Durango Improvements (also known as the Lot I plan set):
 - a. Edge mill detail comment.
 - b. Suggestion to use directional ramps versus angled ramps.
 - c. Eliminating proposed signs in some areas.
 - d. Crosswalk striping comment.
2. Plan sheet comments for Bonanza/Tonopah Improvements (also know as the Lot II plan set):
 - a. Suggestion to use directional ramps versus angled ramps.
 - b. Eliminate cat tracks.
 - c. Replace proposed sign with another sign.
 - d. Crosswalk striping comment.

TP7B – Schedule Impacts

The schedule on TP7A extended beyond the original scoped schedule due to additional design and plans review by NDOT in order to meet ARRA requirements. As a result, the project required more project management and sub-consultant management than originally anticipated due to the above.

TP7B – Special provisions

Additional effort will be required to update special provisions due to changes in design to conform to ARRA requirements. Special provisions will also need to be updated for current CLV standards due to additional submittal of plans.

TP7B – Cost Estimates

Additional effort will be required to update the estimate of cost due to changes in design to conform to ARRA requirements. Revisions to design require a review of all pay items that have

changed. Quantity calculations will be revised. All unit costs will be reviewed and updated due to an additional submittal of plans and the extension in time from the previous submittal's analysis of costs.

TP7B – Additional Design Effort

Efforts beyond those originally estimated will be required to coordinate and address comments from NDOT (generated by Jason Tyrrell) that were not anticipated on final design submittal package. These comments were generated due to changes in the project due to stimulus funding. ORA received the NDOT comments on May 14, 2009 from the City. This task includes ORA's effort to address design changes, additional coordination with NDOT, additional ROW issues and TCE changes, additional plan submittals, additional coordination meetings and additional utility coordination. The comments were refined after coordination between the City and NDOT occurred with a resolution send to ORA via email on June 9, 2009. The comments from NDOT can generally be summarized as follows:

1. Plan sheet comments for TP7B:
 - a. Suggestion to use directional ramps versus angled ramps.
 - b. Eliminating or changing proposed signs in some areas.
 - c. Crosswalk striping comments.
 - d. Comments on work areas and existing easements.

ORA will apply edits to the approved mylars as necessary and replot mylars with edits as well. All changes, either CAD or manual, will be incorporated to the CAD files regardless for future reference.

All the effort described above is beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

800.03 Additional Design for Rampart/Hillpointe

The design effort at Rampart/Hillpoint required an effort beyond that originally estimated in the contract for the following reasons:

1. The grading effort at Rampart/Hillpoint was more extensive than originally estimated.
2. Revisions to ORA's suggested limits of pavement removal were subject to City Traffic directives during subsequent reviews. Even a minor change required significant design effort – more than anticipated due to the extents of pavement removal and the project limits.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplement request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

800.04 Additional Design for Buffalo/Gilmore

The design effort at Buffalo/Gilmore required an effort beyond that originally estimated in the contract for the following reasons:

1. The roadway design effort at Buffalo/Gilmore was more extensive than originally estimated. In particular existing utility layout required additional effort. The survey at Buffalo/Gilmore was provided by the City. Utility information needed to be confirmed as it appeared to be spotty in areas. ORA did not anticipate this during original contract negotiations. Plans were submitted to the utility agencies for review and feedback. ORA updated existing utilities following feedback from the agencies. In addition, additional effort was required for ORA to verify existing interconnect conduit at the site. All of this required additional effort outside of our scope to update and confirm utility information on the plans.
2. Survey data at this intersection was provided by the City. The survey was limited and ORA performed two (2) additional site visits to confirm items that would have been in a typical survey request from ORA.

All the effort described above was beyond the scope of the original scope of services and any supplements approved prior to this supplemental request. All of the work described above has been prosecuted at the verbal, e-mail and written direction of the City staff in order to successfully advance the project.

800.05 Additional Design for Bonanza/Tonopah

Efforts beyond those originally estimated will be required to coordinate and address comments from NDOT (generated by Kent Sears) that were not anticipated on the permit package. ORA received the NDOT comments on June 18, 2009 from the City. ORA attended one meeting with NDOT and the City after suggesting it upon review of the comments. This task includes ORA's effort to address design changes (impacts to plans, specs and estimate) and attendance at two (2) additional meetings. The comments were refined after coordination between the City, ORA and NDOT occurred at a meeting on July 22, 2009. The comments from NDOT can generally be summarized as follows:

1. Permit package design comments for Bonanza/Tonopah Improvements (also known as the Lot II plan set):
 - a. Revise curb return at east most driveway to discourage eastbound right turning movements into driveway.
 - b. Redesign pole location to work with driveway modification above. Update traffic signal design as necessary.
 - c. Revise x-walk to work with driveway modification above.
 - d. Remove x-walk striping at east most driveway.
 - e. Eliminate cat tracks.
 - f. Recheck ADA compatibility at pedestrian buttons and in general due to design changes noted above.

ORA documented both meeting minutes with NDOT and provided these summaries to the CLV. ORA has prepared this proposal with the understanding that specific comments from NDOT will be addressed as noted above and as determined at the July 22, 2009 meeting.

ORA will recreate eight sets of plans for this NDOT permit package as an addendum to the original submittal. ORA's effort includes color coding linework and preparing plans to NDOT's requirements. ORA will then submit this addendum to NDOT.

EXHIBIT D - BASIC SERVICES FEE BREAKDOWN

07-21676
Traffic Package No. 7
Amendment No. 1
Exhibit D

TASK	DESCRIPTION							Hours Subtotal	Direct Expenses	Lump Sum Task Amounts
		PIC	PM	SD	DE	CADD	CLER			
		\$205.00	\$161.15	\$108.04	\$83.05	\$66.65	\$61.53			
800	ENGINEERING DESIGN SERVICES									
800.01	Historic Architectural Evaluation and ROW	0	8	6	0	0	12	26	\$8,500.00	\$11,175.80
	Additional Design Services Required to									
800.02	Conform to ARRA Requirements	10	92	41	144	76	12	375	\$0.00	\$39,068.40
800.03	Additional Design Rampart/Hillpointe	2	18	40	16	8	0	84	\$0.00	\$9,494.30
800.04	Additional Design Buffalo/Glimore	0	8	8	14	8	0	38	\$0.00	\$3,849.42
800.05	Additional Design Bonanza/Tonopah	2	18	16	26	20	0	82	\$0.00	\$8,531.64
800	Subtotal Hours	14	144	111	200	112	24	605		
800	Subtotal Fee	\$2,870.00	\$23,205.60	\$11,992.44	\$16,610.00	\$7,464.80	\$1,476.72		\$8,500.00	\$72,119.56
	Total Basic Services Hours	14	144	111	200	112	24	605		
	Total Basic Services Fee	\$2,870.00	\$23,205.60	\$11,992.44	\$16,610.00	\$7,464.80	\$1,476.72		\$8,500.00	\$72,119.56

EXHIBIT E - ADDITIONAL SERVICES FEE BREAKDOWN

07-21676
Traffic Package No. 7
Amendment No. 1
Exhibit E

TASK	DESCRIPTION								HOURS SUBTOTAL	Direct Expenses	Lump Sum Task Amounts
		PIC	PM	SD	DE	CADD	CLER				
		\$205.00	\$161.15	\$108.04	\$83.05	\$66.65	\$61.53				
	ADDITIONAL SERVICES										
		0	0	0	0	0	0	0	\$40,000.00	\$40,000.00	
900.1	Additional Engineering Design	0	0	0	0	0	0	0	\$0.00	\$0.00	
	Total Additional Services - Hours	0	0	0	0	0	0	0			
	Total Additional Services - Fee	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$40,000.00	\$40,000.00	

1. Definitions

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Robert M. Rodgers Chairman of the Board	230 South Broad Street, 16 th Floor Philadelphia, PA 19102	(215) 735-1932
2.	Steven B. Bolt, President	301 Lindenwood Drive, Suite 130 Malvern, PA 19355	(610) 407-9700
3.	Michael Rodgers, CEO	18 Campus Blvd., Suite 210 Newtown Square, PA 19073	(610) 355-1932
4.	Richard T. Romer, Principal	3130 S. Durango Dr., Suite 404 Las Vegas, NV 89117	(702) 233-4060
5.			
6.			
7.			
8.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ____.

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

Richard T. Romer
Name
9/18/09
Date

Subscribed and sworn to before me this 18th day of

September, 2009
Rhonda F. Digennaro
Notary Public

