



Las Vegas

Agenda Item No.: **41.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF NOVEMBER 4, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action to pay the award to Asphalt Products Corporation for \$980,361.60 plus interest and other matters relating thereto - Ward 4 (Anthony)

Fiscal Impact:

☐

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount: \$980,361.60 plus interest

Funding Source: Capital Project Fund

Dept./Division: Public Works

PURPOSE/BACKGROUND:

On October 9, 2009, the Nevada Arbitration Association rendered a Decision and Award in Case No. 05-108 relating to APCO's construction of the Darling Tennis Center. In a 2-1 decision, the arbitrators awarded APCO \$2,410,015.60. The City was awarded \$280,770. Both sides to the arbitration agree that APCO is entitled to \$1,148,827 in retention, leaving a net balance owed to APCO of \$980,361.60 plus interest since the date of the award until payment. The City also owes interest on the retention dating from May 15, 2006 less a credit of \$12,010.05. The final award as calculated will be \$980,361.60 plus interest.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Decision and Award from the Nevada Arbitration Association in Case No. 05-108

Motion made by GARY REESE to Approve the award to Asphalt Products Corporation as described in the decision in the amount of \$980,000.00 plus interest with the caveat that the Director of Finance and Business Services explain the funding source for such award

Passed For: 6; Against: 0; Abstain: 1; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-OSCAR B. GOODMAN); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 12 for related discussion.