

**SUPPLEMENTAL INTERLOCAL CONTRACT NO. 5
ARTERIAL RESTORATION AND PRESERVATION PROJECTS
FISCAL YEAR 2006**

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 5 made and entered into this 12th day of November, 2009 by and between the City of Las Vegas, a municipal corporation, hereinafter referred to as the "CITY" and the Regional Transportation Commission of Southern Nevada hereinafter referred to as "RTC".

WITNESSETH

WHEREAS, RTC approved an Interlocal Contract on August 11, 2005 and supplemental interlocal contracts dated May 18, 2006, July 13, 2006, September 13, 2007 and February 12, 2009 for the Arterial Restoration and Preservation Projects, Fiscal Year 2006, being located wholly within the CITY; and

WHEREAS, the RTC previously granted a revised "Authorization to Proceed" for construction; and,

WHEREAS, the CITY desires to decrease project funding and extend the project completion date.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project as follows:

SECTION II - PROJECT COSTS shall be revised to read as follows:

The RTC agrees to provide funding for project costs according to Section 6.1 REIMBURSEMENT COSTS of the Policies and Procedures Manual of the RTC within the limits specified below:

1. The total project cost for engineering design, contract administration, surveying, inspection, testing, utility relocation and construction shall not exceed \$4,704,000.
2. The City will be granted a revised "Authorization to Proceed" for construction at a cost not to exceed \$4,071,000 and engineering at a cost not to exceed \$633,000 at the time written Authorization to Proceed is received from the RTC. No funds shall be considered encumbered or allocated and no reimbursement shall be made for any portion of the Project until an "Authorization to Proceed" has been approved by the RTC.
3. A separate request for an "Authorization to Proceed" will be required for additional construction and engineering.
4. A written request must be made to the RTC and an additional supplemental interlocal contract approved to allow exceptions to the adopted policies and procedures of the RTC or the amount noted above prior to payment of any additional funds.

SECTION III – GENERAL paragraph 7 shall be revised to read as follows:

7. The project must be completed to the satisfaction of the RTC prior to January 31, 2011. The RTC may at any time thereafter grant time extensions or terminate this Contract and require all sums advanced to the CITY be reimbursed.

The remainder of the Interlocal Contract dated August 11, 2005 and supplemental interlocal contracts dated May 18, 2006, July 13, 2006, September 13, 2007 and February 12, 2009 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 5 is effective as of the date first set forth above.

Date of Commission Action:

11/12/09

REGIONAL TRANSPORTATION COMMISSION

BY: Laurence L. Brown III
LAWRENCE L. BROWN III, Chairman

Attest:

Lisa Magnusson
LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

Zev Kaplan
ZEV KAPLAN, General Counsel

Date of Council Action:

1-6-2010

CITY OF LAS VEGAS

BY: Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

Attest:

Beverly K. Bridges
BEVERLY K. BRIDGES, CMC, City Clerk

Approved as to Form and Legality:

John S. Kidiella
Deputy City Attorney

12/3/09

Date