

**THIRD AMENDMENT TO
ENGINEERING DESIGN SERVICES AGREEMENT FOR
MARTIN LUTHER KING BOULEVARD WIDENING: ALTA
DRIVE TO CAREY AVENUE PROJECT**

THIS THIRD AMENDMENT made and entered into as of the _____ day of _____, _____, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (herein the "CITY") and VTN NEVADA (herein the "CONSULTANT")

WITNESSETH

WHEREAS, the CITY and the CONSULTANT have entered into an Engineering Design Services Agreement dated July 2, 2003, Amended April 19, 2006 and September 19, 2007 (herein the "AGREEMENT"), retaining the services of the CONSULTANT for the design of the Martin Luther King Boulevard Widening from Alta Drive to Carey Avenue Project (herein the "PROJECT"), and

WHEREAS, the CITY desires to modify the services of the Consultant to include additional design services not included in the original scope of the Project.

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

1. Section Seven, Compensation and Terms of Payment, Paragraph 7.01 of the AGREEMENT is hereby amended to change the amount set aside as referenced therein from \$1,767,840 to \$2,076,907.

2. Insert new Exhibit A-03, Scope of Work; Exhibit B-03, Additional Engineering Services; Exhibit C-03, Manpower Task Breakdown; Exhibit D-03, Cost Derivation; and Exhibit G-03, Disclosure of Ownership/Principals; all as attached hereto.

IN WITNESS WHEREOF, the parties have caused this THIRD AMENDMENT to the original AGREEMENT to be executed the day and year first above written.

CITY OF LAS VEGAS

By _____
KATHLEEN RAINEY, Manager
Purchasing and Contracts

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

John S. Riddella 12/15/09
Deputy City Attorney Date

VTN NEVADA

By KEN D. GILBRETH
KEN D. GILBRETH, Principal
"CONSULTANT"

EXHIBITS

Exhibit "A-03"	Scope of Work
Exhibit "B-03"	Additional Engineering Services
Exhibit "C-03"	Manhour Task Breakdown
Exhibit "D-03"	Cost Derivation
Exhibit "E-03"	Not Required
Exhibit "F-02"	Not Required
Exhibit "G-03"	Disclosure of Ownership/Principals

EXHIBIT A-03

Scope of Work

The work consists of engineering services for connection of Martin L. King Improvements to Metro Headquarters including: 90% submittal plans; Pre-Final Submittal; Final (Bid Set) Submittal; Utility Coordination; Potholes; Specifications; Legal Descriptions; Bid Support; and Limited Construction Services and miscellaneous.

MLK-METRO CONNECTION

- **TASK METRO 1.1 – 90% Submittal.** The 90% submittal will include plans. Plans will include but are not limited to the following; general sheets, survey control, typical cross sections, miscellaneous details, structural details, water details, roadway plan and profile, median island geometrics, property details, storm drain plan and profile, storm drain laterals, striping plans, signage plans and street lighting plans. The 90% submittal will include one full size bond (24"X36") and five half size (11"X17") plan sets.
- **TASK METRO 1.2 – Pre-Final Submittal.** The Pre-Final submittal will include plans addressing 90% submittal comments to complete the Pre-Final plan set. The Pre-Final plan set will include one full size bond (24"X36") and five half size (11"X17") plan sets.
- **TASK METRO 1.3 – Final (Bid Set) Submittal.** The Final submittal will include plans addressing Pre-Final submittal comments to complete the Final (Bid Set) plan set and include one full size mylar (24"X36") and one half size (11"X17") plan sets.
- **TASK METRO 1.4 – Utility Coordination.** Miscellaneous items will include utility coordination with LVVWD, NV Energy, Southwest Gas, Centurylink, Cox Communications, etc in regards to facilities that are in conflict to proposed improvements. VTN will obtain signatures from agencies affected by proposed improvements.
- **TASK METRO 1.5 – Potholes.** Perform up to five potholes, by subconsultant, field survey pothole findings.
- **TASK METRO 1.6 – Specifications.** Produce specifications for 90% submittal, address comments from 90% review and incorporate into Pre-Final submittal, address comments from Pre-Final review and incorporate into the Final (Bid Set) submittal. Coordination with City of Las Vegas staff.

- **TASK METRO 1.7 – Legal Descriptions.** Produce up to four legal descriptions for affected properties, including exhibits for temporary construction easements (TCE).
- **TASK METRO 1.8 – Bid Phase Support.** Bid phase support will include attending pre-bid meeting, attending pre-construction meeting, attending bid opening meeting
- **TASK METRO 1.9 – Limited Construction Services.** Limited construction services will include addressing up to ten clarification questions (RFI's), two site visits and issuing up to ten revised drawings.

The work consists of additional engineering services for the Martin L. King Improvements including; NDOT Revisions; Miscellaneous Revisions; Traffic Revisions; Median Island Revisions; and Bus Turnouts.

ADDITIONAL ENGINEERING SERVICES

- **TASK ADD 3.1 – NDOT Revisions.** Redesign of the current alignment to revise per NDOT request of adding sidewalk to the west side of MLK under US 95. The redesign will affect multiple drawings including roadway plan and profiles, removal plans, median island plans, storm drain lateral profiles, traffic striping plans, traffic signage plans, two US 95 ramp traffic signals and a required NDOT submittal.
- **TASK ADD 3.2 – Miscellaneous Revisions.** Multiple miscellaneous plan revisions some of which required extra meetings, LVVWD signatures and coordination. Revisions include but are not limited to the following; bore and jack revision due to NV Energy changing of their mind, redesigns of large LVVWD meter vaults due to unknown (to LVVWD) utilities and LVVWD changes, abandonment of unknown LVVWD meter at Costco, revisions due to LVVWD unknown pipe types and corroded valves, revisions due to NV Energy design changes during construction, revisions to unknown Embarq utilities, revisions due to new improvements at the southwest corner of Carey, revisions at the southwest corner of Washington due to property owner, revisions of storm drain facilities due to as-built drawings different than actual construction.
- **TASK ADD 3.3 – Traffic Revisions.** Redesign of three intersections, underground signal plan, and median island plan revisions. These revisions affect multiple drawings including roadway plan and profiles, median island plans, traffic striping plans, traffic signage plans, and additional traffic signal underground plan. Redesign was requested by CLV traffic division.
- **TASK ADD 3.4 – Median Island Revisions.** Redesign of median island between Washington Avenue and Vegas Avenue. These revisions affect multiple drawings including roadway plan and profiles, median island plans, stripping plans, landscape plans and landscape lighting plans. Redesign of median island on Carey to match a new County project. These revisions affect multiple drawings including roadway plan and profiles, median island plans and stripping plans.
- **TASK ADD 3.5 – South of Carey Bus Turnout.** Relocation of the bus turnout south of Carey Avenue. These revisions affect drawings and legal descriptions. Redesign was due to LVVWD facilities for Clark County installed in wrong location.
- **TASK ADD 3.6 – North of Carey Bus Turnout.** Design a new bus turnout north of Carey Avenue. These revisions affect drawings and legal descriptions. The new bus turnout was requested by RTC.

EXHIBIT C-03 Manhour Task Breakdown

	<u>HOURS</u>		<u>LABOR COSTS</u>
TASK METRO ADDITIONAL ENGINEERING SERVICES			
Subtask METRO – 1.1: 90% Submittal	604	Hours	\$68,040.00
Subtask METRO – 1.2: Pre-Final Submittal	358	Hours	\$38,288.00
Subtask METRO – 1.3: Final (Bid Set) Submittal	178	Hours	\$19,082.00
Subtask METRO – 1.4: Utility Coordination	128	Hours	\$12,760.00
Subtask METRO – 1.5: Potholes	26	Hours	\$ 3,540.00
Subtask METRO – 1.6: Specifications	96	Hours	\$10,712.00
Subtask METRO – 1.7: Legal Descriptions	56	Hours	\$ 5,912.00
Subtask METRO – 1.8: Bid Phase Support	60	Hours	\$ 6,458.00
Subtask METRO – 1.9: Limited Construction Services	188	Hours	\$20,396.00
PROJECT SUBTOTALS:	1694	Hours	\$185,188.00
TASK ADD – ADDITIONAL ENGINEERING SERVICES			
Subtask ADD 3.1 - : NDOT Revisions	152	Hours	\$16,088.00
Subtask ADD 3.2 - : Miscellaneous Revisions	141	Hours	\$15,740.00
Subtask ADD 3.3 - : Traffic Revisions 2/2009	70	Hours	\$ 7,628.00
Subtask ADD 3.4 - : Median Island Revisions	111	Hours	\$12,181.00
Subtask ADD 3.5 - : South of Carey Avenue Bus Turnout	74	Hours	\$ 8,644.00
Subtask ADD 3.6 - : North of Carey Avenue Bus Turnout	90	Hours	\$10,324.00
PROJECT SUBTOTALS:	638	Hours	\$70,605.00
PROJECT STAFFING TIME BREAKDOWN:			
Project Manager	75	Hours	
Team Leader	661	Hours	
Lead Designer	56	Hours	
Senior Engineer	28	Hours	
Traffic Engineer	68	Hours	
Engineer	303	Hours	
Technician	838	Hours	
Land Surveyor	34	Hours	
Survey Crew	56	Hours	
Clerical	213	Hours	
TOTAL HOURS	2,332	Hours	
SUBCONSULTANT/MISCELLANEOUS COSTS:			
TJ Krob – Lighting Design			\$ 3,200.00
Geotech			\$ 5,000.00
R2H – Structural			\$11,614.00
WIB – Landscaping Median Island Design			\$ 2,460.00
TBE – Potholes (5)			\$ 6,000.00
SUBCONSULTANT SUBTOTALS:			\$28,274.00
ADDITIONAL SERVICES:			
Miscellaneous			\$25,000
AMENDMENT TOTAL INCREASE:			\$309,067.00

EXHIBIT D-03 Fee Estimate

ACTIVITY / TASK			PERSONNEL - hours										COSTS			TOTAL
			Project Manager	Team Leader	Lead Designer	Senior Engineer	Traffic Engineer	Engineer	Technician	Land Surveyor	Survey Crew	Clerical				
Description													TOTAL HOURS	LABOR	OTHER DIRECT	COST
	RATE:		\$165	\$120	\$105	\$140	\$144	\$110	\$95	\$144	\$210	\$70				
TASK METRO	MLK – METRO CONNECTION															
1.1	90% Submittal	12	156	32		12	96	236	8	32	20	604	\$68,040.00	\$8,375.00	1,3,5	\$76,415.00
1.2	Pre-Final Submittal	8	100	16		8	48	164	4		10	358	\$38,288.00	3,525.00	1,3	\$40,813.00
1.3	Final (Bid Set) Submittal	8	40	8		6	26	78	2		10	178	\$19,082.00	\$1,274.00	1,3	\$20,356.00
1.4	Utility Coordination		40				40	8			40	128	\$12,760.00			\$12,760.00
1.5	Potholes		8				5			8	5	26	\$ 3,540.00	\$6,000.00	4	\$ 9,540.00
1.6	Specifications	8	40			8	16				24	96	\$10,712.00			\$10,712.00
1.7	Legal Descriptions		12					32	8		4	56	\$ 5,912.00			\$5,912.00
1.8	Bid Phase Support	2	24			2	8	16			32	188	\$20,396.00	\$4,000.00	3	\$24,396.00
SUBTOTAL		50	500	56	0	40	259	574	22	40	153	1694	\$185,188.00	\$22,174.00		\$207,362.00
TASK ADD -	ADDITIONAL ENGINEERING SERVICES															
3.1	NDOT Revisions	6	40			12	16	54			24	152	\$16,088.00	\$1,500.00	1,3	\$17,588.00
3.2	Miscellaneous Revisions	8	41		28			44			20	141	\$15,740.00	\$ 500.00	2	\$16,240.00
3.3	Traffic Revisions 2/2009	2	14			12		38			4	70	\$ 7,628.00	\$ 200.00	1	\$7,828.00
3.4	Median Island Revisions	5	38			4	16	44			4	111	\$12,181.00	\$2,500.00	1,2	\$14,681.00
3.5	South of Carey Bus Turnout	2	12				4	38	6	8	4	74	\$ 8,644.00	\$ 200.00	1	\$ 8,844.00
3.6	North of Carey Bus Tunout	2	16				8	46	6	8	4	90	\$10,324.00	\$1,200.00	1,3	\$11,524.00
SUBTOTAL		25	161	0	28	28	44	264	12	16	60	638	\$70,605.00	\$6,100.00		\$76,705.00
TOTAL		75	661	56	28	68	303	838	34	56	213	2332	\$255,793.00	\$28,274.00		\$284,067.00
ADDITIONAL SERVICES																\$ 25,000.00
GRAND TOTAL																\$309,067.00
1 – TJ Krob, 2 - WLB, 3 – R2H, 4 - TBE																

EXHIBIT E-03

Not Required

EXHIBIT F-03

Not Required

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"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.

Block 1 Contracting Entity

Block 2 Description
MLK Metro Connector

Name: VTN Nevada

Address: 2727 S Rainbow Blvd
Las Vegas, NV 89146
Telephone: 702-247-4020

EIN or DUNS

RFP#

Block 3 Type of Business

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Corporation ☐ Trust ☐ Other:

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.	Gene Krametbauer, PLS	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-873-7550
2.	Ken Gilbreth, PE	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-247-4020
3.	James Thomas, PE	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-873-7550
4.	Michael Leeper	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-247-4020
5.	Christopher Grubbs, PE	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-873-7550
6.	Robert Hosea, PE	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-873-7550
7.	Daniel Hood, PE	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-873-7550
8.	Anthony Zicari, PLS	2727 S Rainbow Blvd. Las Vegas, NV 89146	702-873-7550

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

IMA
Name
11-6-09
Date

Subscribed and sworn to before me this 6th day of

November, 2009

Sharon L. Denison

Notary Public

