

**FIRST AMENDMENT
TO
ENGINEERING DESIGN SERVICES AGREEMENT
FOR
CHARLESTON BOULEVARD AND LAMB BOULEVARD INTERSECTION WIDENING
PROJECT**

THIS FIRST AMENDMENT is made and entered into this ____ day of February, 2010, by and between the CITY OF LAS VEGAS (the "City"), a municipal corporation within the State of Nevada and **ORTH RODGERS & ASSOCIATES, INC.**, (the "Consultant").

WHEREAS, the City and the Consultant have entered into the Agreement referenced above dated June 7, 2006, (herein the "Agreement"), retaining the services for engineering design services, preparation of contract drawings, special provisions and cost estimates for the Charleston Boulevard and Lamb Boulevard Intersection Widening Project (herein the "Project"), more fully described therein in connection with the improvements to be constructed at the intersection of Charleston Boulevard and Lamb Boulevard and,

WHEREAS, the parties hereto desire to amend the Agreement, to provide additional design services and coordination related to design changes driven by new funding source requirements.

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

1. See Attached Exhibit "A", Scope Of Services for detail of additional design required.
2. Exhibit "D-1" Basic Services Fee Breakdown is hereby amended to increase the Basic Service Fee compensation referenced herein by \$173,656.05 from \$273,526.81 to \$447,182.86.
3. Exhibit "E-1" Additional Services Fee Breakdown is hereby amended to increase the Additional Service Fee compensation referenced herein by \$18,806.68 from \$115,256.72 to \$134,063.40.
4. A new Exhibit "G" Certificate - Disclosure of Ownership/Principals is attached.

5. ADD:

10.25 Counterpart Signatures

This Contract may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the parties hereto, regardless of whether originals are delivered thereafter.

6. All other provisions of the Agreement remain in force and effect.

THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK

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, MMC Date
City Clerk

APPROVED AS TO FORM:

John S. Riddella 2/5/10
Deputy City Attorney Date

EXHIBIT A SCOPE OF SERVICES

BACKGROUND

On June 5, 2006, Orth-Rodgers & Associates 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 the Charleston Boulevard and Lamb Boulevard Intersection Widening Project (herein "Project"). 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 that is necessary to successfully complete the project.

TASK 920 BASIC SERVICES

Task 920 – Basic Engineering Services

920.1: NDOT R/W Setting Document Preparation

The City requested additional coordination and exhibit preparation for a future NDOT ROW setting meeting on the project. This effort required the special preparation of documents on the project as follows:

1. Preparation of twenty (20) parcel exhibits showing proposed and existing ROW, existing and proposed utility easements and temporary construction easements for every parcel impacted by the improvements in this project.
2. Preparation of twenty (20) parcel exhibits showing station, offset tags at every temporary easement, utility easement, and take limits. A data table was created for each exhibit to provide this data at the request of NDOT at a ROW setting meeting on September 9, 2009.
3. Preparation of fourteen (14) parcel exhibits showing NV Energy easements on both NDOT and private property. Hatch patterns were created to show the limits of easements at each parcel in this package. Existing and proposed NV Energy facilities were added to the exhibits as well. These exhibits assisted in meetings between NV Energy, NDOT, ORA and the City.
4. Incorporating all existing easements detailed in the title reports provided to ORA by the CLV. A detailed and extensive review by our design team was necessary to extract this information from each title report. A special three (3) page full-size exhibit was prepared to present this information to the City and to incorporate this data to the above noted.
5. Two (2) additional meetings in preparation for the NDOT ROW setting meeting were attended by ORA. Both were with NV Energy and established to refine their easements to meet NDOT and City concerns.
6. Preparation of utility conflict report based on an NDOT format provided to ORA. The report included the addition of pothole data and checking for conflicts with the new data. In addition, an inventory of all utility conflicts with proposed improvements was checked and transferred to the report.
7. Preparation of two (2) three (3) page full-size ROW exhibits for the utility and ROW progress meetings on the project. These exhibits were necessary for the large groups of agency staff that attended these meetings.
8. Preparation of roll exhibits for NDOT showing APN exhibit data noted above in a roll format. In addition, the NV Energy easement data and proposed/existing NV Energy improvements were added to these roll prints. NDOT will use these for meetings with NV Energy.

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.

920.2: NDOT Comments Regarding ADA Related Revisions to Design

The original scope did not anticipate the ADA related changes and suggested revisions from NDOT to reconfigure ramps at all driveways due to recent PROWAG and ADAAG policies. Due to these changes in policy and funding of the project, ORA revisited final review level designs for revisions. Additional coordination between the City, ORA and NDOT was also necessary. The following additional effort was required:

1. One (1) meeting with the CLV to discuss the suggested ADA revisions by NDOT.
2. One (1) field meeting with the CLV to review each driveway and roadway crossing for possible solutions. Documentation of a special photo log and preparation of alternative designs at ADA compliance challenged areas for a meeting with NDOT.
3. One (1) meeting with NDOT and the CLV to review the potential design revisions and to establish a final course that all can agree upon.
4. ORA applied revisions to the design plans to resolve non-compliant ADA issues within the project limits but also in non-improved sidewalk areas. Two (2) field site visits were necessary to catalog all ADA compliance issues including light pole clearance and relocation determinations, NV Energy power pole clearance compliance, inventory of tactile strips and lip of ramp conditions. Photographs were taken at every clearance location at issue. Existing driveway grades were documented in-house utilizing the existing 3D tin surface. These design revisions will be submitted to the CLV and NDOT for review and final comment.
5. ORA applied final revisions to the design plans reflecting CLV and NDOT comments from item 4 above.

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.

920.3: Additional Design Coordination Meetings

With the extension of the project schedule to an estimated December 2010 final submittal there will be additional coordination meetings on design of the Charleston/Lamb Intersection Improvement. Meetings will be held twice per month from October 2009 thru December 2009. Meetings will be once per month from January 2010 thru December 2010. Meetings are estimated at 3 hours per attendee. Most meetings will require two ORA staff. These eighteen (18) additional meetings are outside of previously requested meetings in prior additional services requests. The original contract schedule was to provide final design submittal in October 2007. Overall with an estimated December 2010 submittal, the schedule has extended by thirty-eight (38) months.

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

920.4: ROW Take and TCE Legal Revisions Due to NDOT Standard Ramp Configuration

Revisions to the intersection ramp design were directed by the CLV and NDOT due to recent ADA policy changes. The effort to revise the design was addressed in a previous supplement. Design changes of signal pole locations were necessary due to the ramp configuration changes. These

changes were not confirmed until NDOT provided acceptance of ORA's design in April 2009. The following effort was necessary due to these changes.

1. Legal documents for ROW take were prepared for all four corners prior to the ramp changes. The legals were prepared at the direction of the City. The ADA revisions required the revision to three (3) legal take documents and three (3) legal TCE documents on the southeast, northeast and southwest corners of Charleston and Lamb.
2. Part of this effort is for our surveyor to generate the legal documents.
3. Part of this effort is for ORA's work in generating the limits of ROW take needed and coordination with the surveyor to complete the effort.

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

920.5: Utility Coordination on Easement and Design Issues

An extraordinary effort beyond original scope was necessary to coordinate and implement utility design and easement issues with NV Energy (NVE), the City of Las Vegas Fire Department (CLVFD) and the Clark County Fire Department (CCFD). The following effort was necessary due to these changes.

1. Two (2) field meetings with NVE and other agencies to discuss easements and design issues. NVE has the most conflicts with the proposed improvements. ORA added all existing and proposed NVE easement information to the R/W exhibits noted in 920.1. ORA maintained and updated this data as the project progressed. ORA coordinated with NVE outside of the project meetings. Special utility easement exhibits were sent to NVE for review and comment. A special six (6) page exhibit was also prepared for NVE to review easement dimensions on the project. ORA was directed to obtain concurrence on these easement locations. Each NVE CAD design plan sent to ORA required additional effort to work with the NVE layering system and interpret changes to their design. Additional coordination was required between ORA and NVE to resolve these changes. This task includes the effort to transfer all NVE proposed and existing easements from NVE provided legal documents.
2. ORA prepared special CLVFD exhibits at the request of the CLVFD. ORA met with the CLVFD three (3) times during the project to discuss fire hydrant locations. Most hydrants required an LVVWD easement. Meeting with the CLVFD was necessary so establish these easements for legal document preparation. ORA reviewed plans for hydrant spacing and followed-up with the CLVFD before preparing legal documents.
3. ORA will prepare a CCFD permit package when the CLVFD approves hydrant locations. The CCFD permit package will require a permit fee for expedited reviews as well. Each subsequent review submittal requires an additional fee. ORA is estimating one meeting with the CCFD to discuss design initially. ORA is estimating approval by CCFD with two review submittals following the initial submittal due to the complexity of the project.

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

920.6: Utility Conflict Exhibits and R/W Exhibits

In the original scope of services ORA was asked to prepare special utility and ROW exhibits during the 30% submittal level of progress. These exhibits were not part of the original scope of the project. The CLV was specific about the contents of these plans. They were created at a scale that required three

sheets for each exhibit type. The ROW exhibits were utilized later on for meetings with NDOT and the CLV to discuss take and easements, however as noted above, ORA prepared special parcel exhibits per NDOT's request when ORA was beyond the 90% submittal level. Also, the utility exhibits were not utilized by the City since it was difficult to see all conflicts at the scale and format requested. Colorization was applied but was also not helpful at the scale. These items were a request of the first CLV Project Manager on this project. This request includes additional effort for the following items:

1. Preparation of special ROW exhibits consisting of three (3) full-size sheets.
2. Preparation of special Utility Conflict exhibits consisting of three (3) full-size sheets.
3. Each exhibit required special annotation not found in the contract plans. Special legends and shading were also applied which were not part of the contract plans.

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.

920.7: Median Island Design Detail

The CLV requested an extraordinary effort in establishing data design tables for the island medians at the intersection of Charleston and Lamb Boulevards. In particular, a special median detail was required for this effort on sheet R-3 of the design plans. Normally, ORA has provided tangent line data and curve radii to construct island medians and curb returns. The CLV requested additional data at all curves requiring radius as well as length, delta and tangent information. In addition, tags were requested for each POB and POE of each curve on the islands. This required us to create a special detail to show all this information. Typically a station offset is required at each island, but not to this extent. ORA feels the data normally provided would be more than adequate for a contractor in setting these in the field. This request included the following additional effort:

1. Changing originally provided data tables with curve radii to provide additional data noted above.
2. Additional tagging of station offsets that required a special detail since the island medians had several curves within a small area.
3. Additional quality control for this design directive.

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.

920.8: Additional Offsite Design

ORA's original scope provides for offsite design limited to driveway regrading and one sign relocation. In several cases ORA was required to go beyond this effort. These are described as follows:

1. Charleston Boulevard at Station 33+50, Left : The Northeast corner of Moonlight Drive and Charleston Boulevard (Sheet L-2).
 - a. Design dictated a bus turnout and right turn lane combination along the frontage of this parcel. This lane impacted the adjacent parcel's parking significantly. ORA researched the site and provided three alternate parking layouts for the CLV at their request.
2. Lamb Boulevard at Station 84+00, Right : Restaurant Drive Through Lane and Parking Area (Sheet L-5)

- a. The proposed geometry on Lamb Boulevard affected an already narrow drive through lane for a local restaurant. In addition, a bus turnout and right turn lane combination just north of the restaurant impacted a parking area and driveway. ORA reviewed the site to supplement existing survey data. Field measurements were required at the site to maintain vehicle widths. Drive through driveway geometry was revised to allow grading of the commercial plaza driveway at its terminus, allow sidewalk widths to be ADA compatible and allow utility and sign relocations. Additional field visits were required to review the adjacent McDonalds Restaurant parking area since the driveway to Lamb Boulevard would need to be shifted. Special design coordination outside of milestone review submittals was made with the CLV Traffic group and NVE to establish a final design.

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.

920.9: NEPA : Environmental Impacts Effort

Since Federal funding will be applied to the project ORA will enlist the assistance of NEPA experts. This effort will include the assistance of SWCA. A proposal for their services is attached and provides a scope for the efforts most likely required on this project. ORA will also provide efforts in this task to support SWCA with necessary design effort and management.

920.10: Bid Services

The Consultant shall attend the pre-bid conference. Consultant shall respond to questions raised by bidders during the bidding process. Decisions on issuing addenda will be conducted with the City. The Consultant shall attend the bid opening.

920.11: Construction Services

The Consultant shall attend the pre-construction meeting. Consultant shall review Contractor's submittals for manufacture certifications, installation instructions, shop drawings and service connections; Attend construction progress meetings, as necessary; Respond to Contractor's Request for Information (RFI); Assist with the processing of change orders; Review Contractor's submittals (such as shop drawings, value engineering items, sample products, etc.); Visit construction site to examine construction work; Review claims and resolution of claims; Attend final walk through; and Assist with the punch list preparation.

TASK 1020 ADDITIONAL SERVICES

Task 1020 – Additional Engineering Services

1020.1: Additional Design

This task includes a provision for additional design services that may be required as the project progresses.

**EXHIBIT D-1
BASIC SERVICES FEE BREAKDOWN**

TASK	DESCRIPTION							Hours Subtotal	Direct Expenses	Lump Sum Task Amounts
		PIC	PM	PE	DE	CADD	CLER			
		\$176.40	\$147.00	\$117.60	\$83.05	\$59.54	\$55.86			
920	ENGINEERING DESIGN SERVICES									
920.1	NDOT R/W Setting Document Preparation	3	40		190	35	8	276		\$ 24,719.48
920.2	NDOT Comments Regarding ADA Related Revisions to Design		26	16	84	24		150		\$ 14,108.76
920.3	Additional Design Coordination Meetings	9	54		27		18	108		\$ 12,773.43
920.4	ROW Take Legal Revisions Due to NDOT Standard Ramp Configuration		7		40			47	\$8,000.00	\$ 12,351.00
920.5	Utility Coordination on Easement and Design Issues		36	6	60	21		123		\$ 12,230.94
920.6	Utility Conflict Exhibits and R/W Exhibits		36		72	32		140		\$ 13,176.88
920.7	Median Island Design Detail		8	5	44	15		72		\$ 6,311.30
920.8	Additional Offsite Design		24	10	56	20		110		\$ 10,545.60
920.9	NEPA : Environmental Impacts Effort		24		40		8	72	\$40,000.00	\$ 47,296.88
920.10	Bid Services	1	16	4	32		4	57		\$ 5,879.84
920.11	Construction Services		60	8	30	30	4	132		\$ 14,261.94
920	Subtotal Hours	13	331	49	675	177	42	1,287		
920	Subtotal Fee	\$ 2,293.20	\$ 48,657.00	\$ 5,762.40	\$ 56,058.75	\$ 10,538.58	\$ 2,346.12		\$48,000.00	\$173,656.05
	Total Basic Services Hours	13	331	49	675	177	42	1,287		
	Total Basic Services Fee	\$ 2,293.20	\$ 48,657.00	\$ 5,762.40	\$ 56,058.75	\$ 10,538.58	\$ 2,346.12		\$48,000.00	\$173,656.05

CONSULTANT'S ORIGINAL FEE: \$202,500.00
CONSULTANT'S NEGOTIATED FEE: \$173,656.05
PERCENT REDUCED: 14.2%

TOTAL EXHIBITS D + E \$192,462.73

EXHIBIT E-1
Additional Services Fee Breakdown

TASK	DESCRIPTION							HOURS SUBTOTAL	Direct Expenses	Lump Sum Task Amounts
		PIC	PM	PE	DE	CADD	CLER			
		\$176.40	\$147.00	\$117.60	\$83.05	\$59.54	\$55.86			
1020	ADDITIONAL SERVICES									
1020.1	Additional Engineering Design	2	50	20	100		8	180	\$0.00	\$18,806.68
	Total Additional Services - Hours	2	50	20	100	0	8	180		
	Total Additional Services - Fee	\$352.80	\$7,350.00	\$2,352.00	\$8,305.00	\$0.00	\$446.88		\$0.00	\$18,806.68

EXHIBIT G 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
Name: Orth Rodgers & Associates, Inc.	Subject Matter of Contract/Agreement
Address: 3130 S. Durango Dr., Suite 404, Las Vegas, NV 89117	Roadway Design Consulting Services
Telephone: 702-233-4060	
EIN or DUNS: 23-2077102	Contract No. 070024-MAF
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.	Robert M. Rodgers, Chairman of the Board	230 South Broad Street, 16th 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: _____

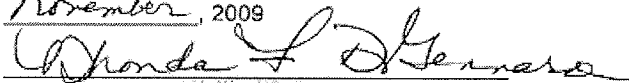
I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity


Name

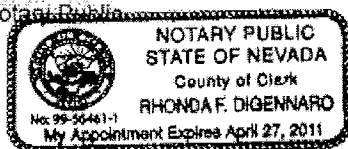
11/19/09
Date

Subscribed and sworn to before me this 19th day of

November, 2009



Notary Public



[CAO – September 2009]