SUPPLEMENTAL INTERLOCAL CONTRACT NO. 12

MARTIN L. KING, PALOMINO LANE TO CAREY AVENUE

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 12, made and entered into this 20th day of May, 2010 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, the RTC approved an Interlocal Contract on March 13, 2003 and supplemental interlocal contracts on June 12, 2003, August 11, 2005, March 9, 2006, December 14, 2006, February 8, 2007, March 8, 2007, July 12, 2007, October 11, 2007, November 13, 2008, June 11, 2009 and April 8, 2010 for a project to design, purchase right-of-way, perform construction inspection and construct roadway improvements for Martin L. King Boulevard, Palomino Lane to Carey Avenue, being located wholly within the City; and

WHEREAS, the RTC previously granted "Authorization to Proceed" for construction, engineering, right-of-way acquisition, and right-of-way other; and,

WHEREAS, the CITY desires to increase funding for the Project and extend the project completion date.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually understood and agrees 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 cost for construction, engineering, right-of-way acquisition and right-of-way other shall not exceed $13,990,000.
2. The City will be granted a revised "Authorization to Proceed" with construction at a cost not to exceed $9,070,000, engineering at a cost not to exceed $4,350,000, right-of-way acquisition at a cost not to exceed $20,000 and right-of-way other at a cost not to exceed $550,000 at the time written Authorization to Proceed is received from the RTC. The "Authorization to Proceed" shall state a specific amount within the total estimated cost of the Project and, upon approval by the RTC, only that amount shall be encumbered and allocated.
3. A written request must be made to the RTC and a 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 September 30, 2011.

RTC may at any time thereafter grant time extensions or terminate this Contract and require all sums advanced to the CITY be reimbursed.

All other terms of the interlocal contract dated March 13, 2003 and Supplemental Interlocal Contracts dated June 12, 2003, August 11, 2005, March 9, 2006, December 14, 2006, February 8, 2007, March 8, 2007, July 12, 2007, October 11, 2007, November 13, 2008, June 11, 2009 and April 8, 2010 shall remain unchanged.

IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 12 is effective as of the date first set forth above.

Date of Commission Action:

5/20/2010

REGIONAL TRANSPORTATION COMMISSION

BY: Lawrence L Brown III

LAWRENCE L. BROWN III, Chairman

Attest:

Lisa Magnusson

LISA MAGNUSSON, Executive Assistant

Approved as to Form and Legality:

ZEV KAPLAN, General Counsel

Date of Council Action:

August 18, 2010

CITY OF LAS VEGAS

BY:

OSCAR B. GOODMAN, Mayor

Attest:

Vicky Skilbred

~~BEVERLY K. BRIDGES, MMC~~
~~City Clerk~~

By: Vicky Skilbred, CMC
Acting City Clerk

Approved as to Form and Legality:

John S. Ridilla 6/1/10

Deputy City Attorney Date