

Amendment No 1 to
Highway Agreement No. P261-09-063

This Amendment is made and entered into this 30TH day of NOVEMBER, 2010, between the State of Nevada, Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of Las Vegas, 731 South Fourth St., Las Vegas, NV 89101, hereinafter called the CITY.

WITNESSETH:

WHEREAS, on September 1, 2009 the parties entered into Agreement No. P261-09-063 to delegate authority to the CITY to design, advertise, award, and manage construction of the repaving of intersection improvements on Rampart Blvd. at Hillpointe Rd., Rancho Dr. at Palomino Ln., Vegas Dr. at Pueblo Vista Dr., Washington Ave at Comstock and median island modification on Durango Dr. from CC 215 to Elkhorn Rd.; and

WHEREAS, due to the contractor bid prices coming in below the agreement amount this amendment decreases the amount of funding by Six Hundred Forty-two Thousand Two Hundred and No/100 Dollars (\$642,200.00).

WHEREAS, the parties hereto desire to make certain amendments to Agreement No. P261-09-063.

NOW, THEREFORE, the parties agree as follows:

- A. Article I, Paragraph 3, is amended by deleting it in its entirety and inserting in its place: To obligate Federal funding under the American Recovery and Reinvestment Act of 2009 for a maximum amount of One Million Three Hundred Fourteen Thousand Seven Hundred Fifty-two and No/100 Dollars (\$1,314,752.00).
- B. Article II, Paragraph 17, is amended by deleting it in its entirety and inserting in its place: To submit to the DEPARTMENT monthly employee reports as required by the American Recovery and Reinvestment Act and to require their contractor and subcontractors to submit the same report. The reports shall be submitted electronically on the form provided by the DEPARTMENT on <http://www.nevadadbce.com>, no later than 8 days after the end of each month. Failure to submit the required employee information may result in withholding of the progress payment.
- C. Article III, Paragraph 6, is amended by deleting it in its entirety and inserting in its place: The TOTAL ESTIMATED PROJECT COSTS are One Million Three Hundred Fourteen Thousand Seven Hundred Fifty-two and No/100 Dollars (\$1,314,752.00), which includes: One Million Three Hundred Fourteen Thousand Seven Hundred Fifty-two and No/100 Dollars (\$1,314,752.00), comprising Federal funding of one hundred percent (100%) of the TOTAL ESTIMATED PROJECT COSTS. The parties acknowledge and agree that the TOTAL ESTIMATED PROJECT COSTS set forth herein are only estimates and that in no event shall the DEPARTMENT or federal portion exceed the total obligated amount, as established in Article I Paragraph 3, and furthermore in no event will the CITY be obligated under this Agreement to pay any additional PROJECT COSTS, except as otherwise approved by the governing body of the CITY.
- D. Article III: Paragraph 7, is amended by deleting it in its entirety and inserting in its place, The following is a summary of TOTAL ESTIMATED PROJECT COSTS and available funds:

TOTAL ESTIMATED PROJECT COSTS:

DEPARTMENT Construction Engineering Costs:	\$ 5,000.00
CITY Construction Engineering Costs:	\$ 307,206.00
Construction Costs:	<u>\$ 1,002,546.00</u>

TOTAL ESTIMATED PROJECT COSTS:	\$ 1,314,752.00
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AVAILABLE FUNDING SOURCES:

Federal ARRA Funds:	<u>\$ 1,314,752.00</u>
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TOTAL PROJECT FUNDING:	\$ 1,314,752.00
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- E. All of the other provisions of Agreement No. P261-09-063 shall remain in full force and effect, as if set forth herein.

IN WITNESS WHEREOF, the above named parties have hereunto set their hands and executed this Amendment the date first written above.

CITY OF LAS VEGAS

State of Nevada, acting by and through its
DEPARTMENT OF TRANSPORTATION



Oscar B. Goodman
Mayor



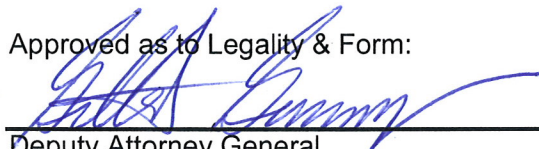
for Director

Attest:



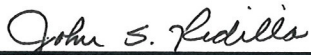
Beverly K. Bridges
City Clerk

Approved as to Legality & Form:



Deputy Attorney General

Approved as to Form:



John S. Ridilla
Deputy City Attorney

10/6/10