

Amendment No. 1 to
Highway Agreement No. PR334-10-063

This Amendment is made and entered into this 12TH day of OCTOBER, 2011, between the State of Nevada, Department of Transportation, hereinafter referred to as the DEPARTMENT, and the City of Las Vegas, 333 N. Rancho Dr., Las Vegas, NV 89106, hereinafter referred to as the CITY.

WITNESSETH:

WHEREAS, on December 1, 2010, the Parties entered into Agreement No. PR334-10-063 to delegate authority to the CITY to design, advertise, award, and manage construction of landscaping improvements on D St. from Washington Ave. to Madison Ave.; and

WHEREAS, due to the CITY being approved for additional State Funding this amendment increases the amount of funding by One Hundred Fifty-nine Thousand Six Hundred Sixty-five and No/100 Dollars (\$159,665.00)

WHEREAS, the City has requested and been approved for a change in the PROJECT scope.

WHEREAS, the Parties hereto desire to make certain amendments to Agreement No. PR334-10-063.

NOW, THEREFORE, the Parties agree as follows:

- A. Attachment "A" is removed in its entirety and replaced with the attached Attachment "A-1".
- B. Article I, Paragraph 3, is amended by deleting it in its entirety and inserting in its place, To obligate Federal Enhancement funding for a maximum amount of Six Hundred Fifty Thousand and No/100 Dollars (\$650,000.00) and State Funding for a maximum amount of One Hundred Fifty-nine Thousand Six Hundred Sixty-five and No/100 Dollars (\$159,665.00).
- C. Article 1, Paragraph 4, is amended by deleting it in its entirety and inserting in its place, To establish Project Identification Numbers to track all PROJECT costs for the Federal Funded portion and the State Funded portion of the PROJECT separately as established in Attachment A-1.
- D. Article I, Paragraph 15, is amended by deleting it in its entirety and inserting in its place, To reimburse the CITY, monthly as work progresses on the PROJECT, for ninety-five percent (95%) of ELIGIBLE PROJECT COSTS for the Federally Funded portion of the PROJECT and to reimburse the City for one hundred percent (100%) of ELIGIBLE PROJECT COSTS for the State Funded portion of the PROJECT based on supporting documentation minus any DEPARTMENT PROJECT COSTS. Total reimbursement shall not exceed the total obligated amount, as established in ARTICLE I Paragraph 3, minus any DEPARTMENT PROJECT COSTS as established in ARTICLE III Paragraph 7. ELIGIBLE PROJECT COSTS are those costs as defined in the applicable Federal Office of Management and Budget (OMB) Circulars including but not limited to those listed on Attachment B, attached hereto and incorporated herein.
- E. Article II, Paragraph 15, is amended by deleting it in its entirety and inserting in its place, To be responsible for the five percent (5%) match of Federal funds in an amount not to exceed Thirty-four Thousand Two Hundred Eleven and No/100 Dollars (\$34,211.00) and for one hundred percent (100%) of all costs exceeding

the obligated Federal and State funds subject to the CITY's budgeted appropriations and the allocation of sufficient funds by the governing body of the CITY. The CITY agrees the DEPARTMENT and the State of Nevada are not responsible for any costs exceeding the obligated Federal and State funds.

- F. Article II, is amended by inserting Paragraph 18, To track the costs associated with the Federal portion and State portion of the PROJECT, as defined in Attachment A-1 separately for reimbursement from the DEPARTMENT.
- G. The termination date referenced in Article III Paragraph 1, shall be changed from December 31, 2013 to December 31, 2015.
- H. Article III, Paragraph 7, is amended by deleting it in its entirety and inserting in its place, The TOTAL ESTIMATED PROJECT COSTS are Eight Hundred Forty-three Thousand Eight Hundred Seventy-six and No/100 Dollars (\$843,876.00), which includes: Six Hundred Fifty Thousand and No/100 Dollars (\$650,000.00), comprising Federal funding of Seventy-seven percent (77%) of the TOTAL ESTIMATED PROJECT COSTS; and a One Hundred Fifty-nine Thousand Six Hundred Sixty-five and No/100 Dollars (\$159,876.00), comprising State funding of Nineteen percent (19%) of TOTAL ESTIMATED PROJECT COSTS; and a match of Thirty-four Thousand Two Hundred Eleven and No/100 Dollars (\$34,211.00), comprising CITY match funding of four percent (4%) of 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 in excess of the match amount set forth above, except as otherwise approved by the governing body of the CITY.
- I. Article III, Paragraph 6, 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 Preliminary Engineering Costs:	\$ 5,000.00
CITY Preliminary Engineering Costs:	\$ 54,000.00
DEPARTMENT Construction Engineering Costs:	\$ 5,000.00
CITY Construction Engineering Costs:	\$ 36,000.00
Construction Costs:	<u>\$ 743,876.00</u>

<u>TOTAL ESTIMATED PROJECT COSTS:</u>	\$ 843,876.00
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AVAILABLE FUNDING SOURCES:

Federal Enhancement Funds:	\$ 650,000.00
State Funds:	\$ 159,665.00
CITY Funds:	<u>\$ 34,211.00</u>

<u>TOTAL PROJECT FUNDING:</u>	\$ 843,876.00
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- J. All of the other provisions of Agreement No. PR334-10-063 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 on the date first written above.

CITY OF LAS VEGAS



Carolyn G. Goodman
Mayor

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



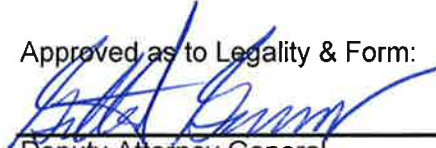
Director

Attest:



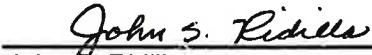
Beverly K. Bridges
City Clerk

Approved as to Legality & Form:



Deputy Attorney General

Approved as to Form:



John S. Ridilla
Deputy City Attorney

Attachment A-1

SCOPE OF WORK D STREET ENHANCEMENT

The project consists of the construction of landscape and aesthetic improvements including; trees, shrubs, hardscape, median islands, streetlights, streetlight banners, curb, gutter, sidewalk and an irrigation system. The limits of the Federally Funded portion of the Project are on D St. from Washington Ave to Madison Ave. and the limits of the State Funded portion of the Project are on D St. from Washington Ave. to the Southbound I-15 On Ramp and Washington Ave. from D St. to the I-15 Southbound Off Ramp as depicted on the drawing below.

