

**SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4
TENAYA OVERPASS, WESTCLIFF DRIVE TO WASHINGTON AVENUE**

THIS SUPPLEMENTAL INTERLOCAL CONTRACT NO. 4, made and entered into this 11th day of August, 2011 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".

W I T N E S S E T H

WHEREAS, RTC approved an Interlocal Contract on June 13, 2002 and supplemental interlocal contracts dated May 18, 2006, October 9, 2008 and June 10, 2010 for the design and construction of Tenaya Way Overpass, Westcliff Drive to Washington Avenue, being located totally within the CITY; and,

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

WHEREAS, the CITY desires to decrease Project funding and to extend the Project completion date.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project 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 engineering design, contract administration, surveying, inspection, testing, right-of-way engineering, right-of-way negotiations and acquisition, utility relocation and construction shall not exceed \$9,315,000 which includes all of the above items.
2. A revised "Authorization to Proceed" will be issued for construction at a cost not to exceed \$8,110,000, engineering design at a cost not to exceed \$1,180,000, right-of-way acquisition at a cost not to exceed \$5,000, and right-of-way other at a cost not to exceed \$20,000, at the time written Authorization to Proceed is received from the RTC.
3. A written request must be made to the RTC and an additional 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 June 30, 2012. The RTC may at any time thereafter grant time extensions or terminate this Contract and require all sums advanced to the CITY be reimbursed.

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The remainder of the Interlocal Contract dated June 13, 2002 and supplemental interlocal contracts dated May 18, 2006, October 9, 2008 and June 10, 2010 shall remain unchanged.

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IN WITNESS WHEREOF, this Supplemental Interlocal Contract No. 4 is effective as of the date first set forth above.

Date of Commission Action:

REGIONAL TRANSPORTATION COMMISSION

August 11, 2011

BY: Lawrence L. Brown III
LAWRENCE L. BROWN III, Chairman

Attest:

Jecia Hutchinson
JECIA HUTCHINSON, Executive Assistant

Approved as to Form and Legality:

Zev Kaplan
ZEV KAPLAN, General Counsel

Date of Council Action:

CITY OF LAS VEGAS

BY: _____
CAROLYN G. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, MMC
City Clerk

Approved as to Form:

John S. Ridilla 9/1/11
Deputy City Attorney Date

John S. Ridilla
Deputy City Attorney