

**SUPPLEMENTAL NO. 5 TO THE
PROFESSIONAL ENGINEERING SERVICES CONTRACT FOR
CAREY AVENUE, NELLIS BOULEVARD TO TOIYABE STREET**

THIS Supplemental No. 5 Contract, made and entered into this 15th day of November, 2022, between CLARK COUNTY, NEVADA, a political subdivision of the State of Nevada, hereinafter referred to as COUNTY, and WSP USA SOLUTIONS INC., a corporation authorized to do business under the laws of the State of Nevada, hereinafter referred to as ENGINEER. The COUNTY and ENGINEER may herein be referred individually as "Party" or collectively as "Parties."

The initial addresses of the Parties, which one Party may change by giving notice to the respective other Party, are as follows:

COUNTY	ENGINEER
Denis Cederburg, Director Clark County Department of Public Works 500 South Grand Central Parkway, Suite 2066 Las Vegas, Nevada 89106 (702) 455-6020	Syndi Dudley Senior Director, Local Business Leader WSP USA Solutions Inc. 300 S. 4 th Street, Suite 1200 Las Vegas, Nevada 89101 (725) 724-4353

W I T N E S S E T H

WHEREAS, on August 19, 2014, the COUNTY and the ENGINEER entered into a Professional Engineering Services Contract to perform alternatives analyses, coordinate with stakeholders, communicate alternatives at a public meeting and recommend a preliminary roadway alignment for the Carey Avenue from Nellis Boulevard to Toiyabe Street Project; and

WHEREAS, on July 5, 2016, the COUNTY and the ENGINEER entered into Supplemental No. 1 to the Contract to begin the process of obtaining right of way for the Project on federal lands owned by the Nellis Air Force Base and providing the necessary Environmental Assessment to ensure compliance with the National Environmental Policy Act (NEPA) and state/federal environmental review standards and requirements; and

WHEREAS, on January 7, 2019, the COUNTY and the ENGINEER entered into Supplemental No. 2 to the Contract to provide engineering services for the final design of the Project; and

WHEREAS, on December 3, 2019, the COUNTY and the ENGINEER entered into Supplemental No. 3 to the Contract to provide a time extension for the Project; and

WHEREAS, on March 1, 2022, the COUNTY and ENGINEER entered into Supplemental No. 4 to the Contract to provide a time extension and additional engineering services for the Project; and

WHEREAS, a time extension to the contract and additional engineering services are needed to provide for an Environmental Baseline Survey for a portion of Betty Lane, utility design coordination and changes, developer coordination, right-of-way exhibits and coordination, and to update contract documents accordingly; and

WHEREAS, this Supplemental No. 5 Contract extends the time of completion from December 31, 2024, to December 31, 2025, and increases funding by \$86,927.68 for special services, which revises the total contract amount to \$1,636,671.64.

NOW, THEREFORE, for and in consideration of the premises and mutual covenants herein contained, the parties mutually agree to supplement the Professional Engineering Services Contract dated August 19, 2014, Supplemental No. 1 to the Contract dated July 5, 2016, Supplemental No. 2 to the Contract dated January 7, 2019, Supplemental No. 3 to the Contract dated December 3, 2019, and Supplemental No. 4 to the Contract dated March 1, 2022, as follows:

2.03.1 Additional Special Services

Add the following:

- J. Provide additional utility coordination, project management, right-of-way coordination, quality control and quality assurance for additional design services including:
 - 1. Revising water facility and guardrail designs pursuant to comments received from the Southern Nevada Water Authority (SNWA);
 - 2. Providing coordination and revising plans due to new land developments adjacent to the Project;
 - 3. Creating additional exhibits for right-of-way coordination with Nellis Air Force Base;
 - 4. Coordinating construction requirements of Nellis Air Force Base.

- K. **Environmental Baseline Survey (EBS):** Provide an EBS for the eastern half of Betty Lane from Carey Avenue to approximately a quarter mile north of Carey Avenue, adjacent to the City of North Las Vegas (CNLV) Reclamation Facility, which is located on assessor's parcel number 140-16-401-007 (the Site). The EBS is to support the Nellis Air Force Base's (NAFB) granting of an easement to Clark County for this quarter-mile eastern half of Betty Lane. The EBS also supports an amendment to the Enhanced Use Lease Agreement between NAFB and the CNLV, such that this quarter-mile eastern half street of Betty Lane may then be transferred to Clark County as public right of way. Scope of work includes the following:
 - 1. **Data Compilation and Records Review**
Perform a records review to compile information on the physical setting of and activities on the subject project and in the surrounding area, which may have had an adverse impact on the subject property. Records review is to include information pertaining to each site such as previous site assessment reports, site

layout drawings, historical operations, process descriptions and other relevant information. As part of this task, review the records identified below.

- a. **Physical Setting Sources.** Review the latest available United States Geological Survey (USGS) 7.5-minute topographic map for the subject property to evaluate the Site topography, which may provide insight on potential contaminant migration pathways (e.g., surface water and groundwater). In addition, review other readily available sources, including other USGS and/or Nevada state geology and groundwater maps.
- b. **Environmental Database and Records Review.** Obtain an environmental database report (EDR) for the subject property, which includes a search of environmental databases and identifies facilities within minimum search distances per ASTM standard requirements. If necessary, selected files for facilities identified in the environmental database report will be reviewed at the appropriate government agencies to evaluate environmental impacts on the subject property.
- c. **Historical Records Review.** Review historical records to identify, if possible, obvious uses of the subject property back to its first developed use or to 1940, whichever is earlier. The historical sources consulted may include the following, as well as other records necessary to satisfy the objectives of the ASTM standard:
 - i. Available city or county planning, zoning, and building records; historic Sanborn maps; and historic topographic maps;
 - ii. Local, state, and federal regulatory agencies' records for public information related to possible hazardous material releases on the subject and surrounding properties; and Historical aerial photographs.

2. Site Reconnaissance/Interview

Conduct a Site visit (for the eastern half of Betty Lane from Carey Avenue to approximately a quarter mile north of Carey Avenue). Ms. Sarah Hoffman, CEM, a WSP employee meeting the definition of an Environmental Professional as described in ASTM E 1527-13 is to conduct the Site visit. Items included as part of this subtask are as follows:

- a. Interview representatives from COUNTY, CNLV, and NAFB to document current and past chemical usage and waste management on the Site. If the interviews do not provide information on chemical usage and waste management on the Site, then document such, and reference documents used to obtain previous land use information;
- b. Obtain photographic documentation of the current Site conditions and pertinent Site features;
- c. Interview representatives from COUNTY, CNLV, and NAFB at the time of the inspection. Interviews will be attempted with state and local government officials, and (if necessary) other individuals with knowledge of the Site, such as current employees or past owners, operators, or employees. If the interviews are not possible or do not provide information needed for the EBS,

then document such, and reference historical documents used to obtain previous land use information;

- d. Identify visual indications of environmental contamination, land use practices, waste materials, suspect building materials, and other potential liabilities pertaining to the Site and adjacent properties; and
- e. Visually examine transformers located on Site, if present, for conspicuous leaks involving potential polychlorinated biphenyl (PCB)-containing fluids.

3. Report Preparation

Prepare a draft EBS report that provides a description of the Site and discusses the findings of the previous tasks. Based on comments provided by COUNTY, CNLV, and NAFB, address comments, revise the report, and provide a final version.

Non-scope considerations under the All Appropriate Inquiries Rule and the ASTM E 1527-13 Standard, that are not included in the work include the following items, asbestos-containing building materials, biological agents, cultural and historic resources, ecological resources, endangered species, health and safety, indoor air quality (except as related to a potential release of a hazardous substance or petroleum product), industrial hygiene, lead-based paint, lead in drinking water, mold, radon, and wetlands. In addition, the Site assessment does not include collection of samples from any medium. If any of these non-scope considerations are requested, then an assessment of the items requested can be conducted as a special service, for an additional cost.

Deliverables

- Provide an electronic Draft EBS report for review, and respond to one round of comments.
- Provide an electronic Final EBS report.

ARTICLE IV: TIME OF PERFORMANCE

Replace the last two paragraphs in 4.01 Time of Performance with the following:

Except as otherwise provided, the ENGINEER shall complete all Basic Services and authorized Special Services within completion times as set forth above and by the end of December 31, 2025, unless the COUNTY amends such date.

The remainder of Section 4.01 shall remain unchanged.

ARTICLE V: PAYMENT FOR SERVICES

Revise the first paragraph of 5.01 to read as follows:

5.01 Maximum Amount Payable

The maximum amount payable by the COUNTY to the ENGINEER shall be a sum of money equal to the Basic Services fees plus the Special Service fees, if, as, and when approved by the Director, and provided, however, that under no circumstances may the total amount payable to the ENGINEER under this Contract or in connection with the subject matter of this Contract, exceed the sum of One Million, Two Hundred Sixty-Four Thousand, Seven Hundred Twenty and 67/100 Dollars (\$1,264,720.67) for the Basic Services fees, and Three Hundred Seventy-One Thousand, Nine Hundred Fifty and 97/100 Dollars (\$371,950.97) for Special Services fees, unless such sum is increased by the Clark County Board of Commissioners, but only to the extent such total sum is increased.

Revise the last paragraph in 5.02 to read as follows:

5.02 Basic Services and Special Services Fees

In no event may the Basic Services and the Special Services fees exceed the following purposes or amounts:

<u>TASK</u>		<u>MAXIMUM AMOUNTS</u>
Basic Services 2.02 (Preliminary Engineering)	A - L	\$137,243.00
Special Services 2.03 (Preliminary Engineering)	A - E	\$32,564.00
Basic Services 2.02.1 (Supp 1) Environmental Assessment	A - L	\$216,744.07
Special Services 2.03 (Supp 1) Environmental Assessment	F	\$12,829.00
Basic Services 2.02.2 (Supp 2) Final Design	A - S	\$910,733.60
Special Services 2.03.1 (Supp 2) Final Design	A - E	\$145,933.62
Special Services 2.03.1 (Supp 4) Final Design	F - I	\$93,696.67
Special Services 2.03.1 (Supp 5) Final Design	J	\$62,600.00
Special Services 2.03.1 (Supp 5) Environmental (Betty EBS)	K	\$24,327.68
Total Special Services		<u>\$371,950.97</u>
Total Basic Services		<u>\$1,264,720.67</u>
Grand Total Basic and Special Services		<u>\$1,636,671.64</u>

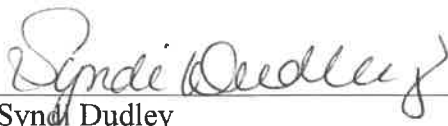
The remainder of the Professional Engineering Services Contract dated August 19, 2014, Supplemental No. 1 dated July 5, 2016, Supplemental No. 2 dated January 7, 2019, Supplemental No. 3 dated December 3, 2019, and Supplemental No. 4 dated March 1, 2022, remain unchanged.

IN WITNESS WHEREOF, the parties have executed this Supplemental No. 5 Contract as of the date herein above set forth.

CLARK COUNTY, NEVADA

WSP USA SOLUTIONS INC.

Randall J. Tarr
Deputy County Manager


Syndi Dudley
Senior Director, Local Business Leader

APPROVED AS TO FORM:


Laura C. Rehfeldt
Deputy District Attorney

DISCLOSURE OF OWNERSHIP/PRINCIPALS

Business Entity Type (Please select one)						
☐ Sole Proprietorship	☐ Partnership	☐ Limited Liability Company	☒ Corporation	☐ Trust	☐ Non-Profit Organization	☐ Other
Business Designation Group (Please select all that apply)						
☐ MBE	☐ WBE	☐ SBE	☐ PBE	☐ VET	☐ DVET	☐ ESB
Minority Business Enterprise	Women-Owned Business Enterprise	Small Business Enterprise	Physically Challenged Business Enterprise	Veteran Owned Business	Disabled Veteran Owned Business	Emerging Small Business
Number of Clark County Nevada Residents Employed:				50		
Corporate/Business Entity Name: WSP USA Solutions Inc. (fka Louis Berger U.S., Inc.)						
(Include d.b.a., if applicable)						
Street Address:		One Penn Plaza		Website: www.wsp.com		
City, State and Zip Code:		New York, NY 10119		POC Name: Syndi Dudley		
				Email: Syndi.Dudley@wsp.com		
Telephone No:		212-465-5000		Fax No: 212-465-5096		
Nevada Local Street Address:		300 S. 4th Street, Suite 1200		Website: www.wsp.com		
(If different from above)						
City, State and Zip Code:		Las Vegas, NV 89101		Local Fax No:		
Local Telephone No:		725-724-4400		Local POC Name: Syndi Dudley		
				Email: Syndi.Dudley@wsp.com		

All entities, with the exception of publicly-traded and non-profit organizations, must list the names of individuals holding more than five percent (5%) ownership or financial interest in the business entity appearing before the Board.

Publicly-traded entities and non-profit organizations shall list all Corporate Officers and Directors in lieu of disclosing the names of individuals with ownership or financial interest. The disclosure requirement, as applied to land-use applications, extends to the applicant and the landowner(s).

Entities include all business associations organized under or governed by Title 7 of the Nevada Revised Statutes, including but not limited to private corporations, close corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and professional corporations.

Full Name

Title

% Owned
(Not required for Publicly Traded Corporations/Non-profit organizations)

WSP USA Solutions Inc. is a fully-owned (100%) subsidiary of WSP USA Inc.
No individuals have any ownership in the firm.

This section is not required for publicly-traded corporations. Are you a publicly-traded corporation?

☐ Yes ☒ No

1. Are any individual members, partners, owners or principals, involved in the business entity, a Clark County, Department of Aviation, Clark County Detention Center or Clark County Water Reclamation District full-time employee(s), or appointed/elected official(s)?

☐ Yes ☒ No (If yes, please note that County employee(s), or appointed/elected official(s) may not perform any work on professional service contracts, or other contracts, which are not subject to competitive bid.)

2. Do any individual members, partners, owners or principals have a spouse, registered domestic partner, child, parent, in-law or brother/sister, half-brother/half-sister, grandchild, grandparent, related to a Clark County, Department of Aviation, Clark County Detention Center or Clark County Water Reclamation District full-time employee(s), or appointed/elected official(s)?

☐ Yes ☒ No (If yes, please complete the Disclosure of Relationship form on Page 2. If no, please print N/A on Page 2.)

I certify under penalty of perjury, that all of the information provided herein is current, complete, and accurate. I also understand that the Board will not take action on land-use approvals, contract approvals, land sales, leases or exchanges without the completed disclosure form.


Signature

Syndi Dudley, PhD, PE
Print Name

Sr. Director, Local Business Leader

Title

Date

DISCLOSURE OF RELATIONSHIP

List any disclosures below:
(Mark N/A, if not applicable.)

NAME OF BUSINESS OWNER/PRINCIPAL	NAME OF COUNTY* EMPLOYEE/OFFICIAL AND JOB TITLE	RELATIONSHIP TO COUNTY* EMPLOYEE/OFFICIAL	COUNTY* EMPLOYEE'S/OFFICIAL'S DEPARTMENT
N/A			

* County employee means Clark County, Department of Aviation, Clark County Detention Center or Clark County Water Reclamation District.

"Consanguinity" is a relationship by blood. "Affinity" is a relationship by marriage.

"To the second degree of consanguinity" applies to the candidate's first and second degree of blood relatives as follows:

- Spouse – Registered Domestic Partners – Children – Parents – In-laws (first degree)
- Brothers/Sisters – Half-Brothers/Half-Sisters – Grandchildren – Grandparents – In-laws (second degree)

For County Use Only:

If any Disclosure of Relationship is noted above, please complete the following:

☐ Yes ☐ No Is the County employee(s) noted above involved in the contracting/selection process for this particular agenda item?

☐ Yes ☐ No Is the County employee(s) noted above involved in any way with the business in performance of the contract?

Notes/Comments:

Signature

Print Name
Authorized Department Representative