

**CLARK COUNTY  
REGIONAL FLOOD CONTROL DISTRICT**

**AGENDA ITEM**

**SUBJECT:**

DUCK CREEK HAVEN STREET STORM DRAIN

**PETITIONER:**

DENIS CEDERBURG, DIRECTOR OF PUBLIC WORKS

**RECOMMENDATION OF PETITIONER:**

THAT THE REGIONAL FLOOD CONTROL DISTRICT APPROVE THE INTERLOCAL CONTRACT FOR DESIGN FOR DUCK CREEK HAVEN STREET STORM DRAIN CLA38C20 (FOR POSSIBLE ACTION)

**FISCAL IMPACT:**

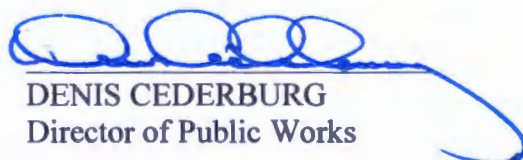
		<u>CURRENT</u>
Design Engineering	\$	<u>354,000</u>
Total ILC Value	\$	354,000

**BACKGROUND:**

Duck Creek Haven Street (DCHV 0026, 0050, 0057) is identified in the Regional Flood Control District's Ten-Year Construction Program with design scheduled to begin in fiscal year 2019-2020. This project includes 8' x 5' reinforced concrete box, 10' x 5' reinforced concrete box, 12' x 5' reinforced concrete box, transitions, and various storm drain pipe sizes ranging from 24" to 60". Design of the project was initially included with Clark County's Cactus Road project funded by RTC of Southern Nevada. The County is planning to bid the construction of Duck Creek Haven Street as a separate stand-alone project. This interlocal is to request funds for the Duck Creek Haven Street portion of costs going back to January 1, 2015.

Respectfully submitted,

<b>TAC AGENDA ITEM # 12 Date: 02.27.2020</b>	<b>RFCD AGENDA ITEM # Date: 3.12.2020</b>
<b>CAC AGENDA ITEM # 12 Date: 03.02.2020</b>	

  
DENIS CEDERBURG  
Director of Public Works

Regional Flood Control District  
AGENDA ITEM DEVELOPMENT

**Staff Discussion:**

Date: 02/19/2020

**DUCK CREEK HAVEN STREET STORM DRAIN  
INTERLOCAL CONTRACT – CLA38C20**

Duck Creek Haven Street Storm Drain (DCHV 0026, 0050, 0057) is identified in the Regional Flood Control District's Ten-Year Construction Program with design scheduled to begin in fiscal year 2019-2020. This project includes 8' x 5' reinforced concrete box, 10' x 5' reinforced concrete box, 12' x 5' reinforced concrete box, transitions, and various storm drainpipe sizes ranging from 24" to 60". Design of the project was initially included with Clark County's Cactus Road project funded by RTC of Southern Nevada. The County is planning to bid the construction of Duck Creek Haven Street as a separate stand-alone project. This interlocal is to request funds for the Duck Creek Haven Street portion of costs going back to January 1, 2015.

A Ten Year Construction Program Amendment item has been submitted by the County for approval to move this project to Year 1 for design funding. District funding will be provided as follows:

Design Engineering	\$354,000
Total ILC Value	\$354,000

The District Attorney has reviewed the contract.

**Staff Recommendation:**

Approve subject to approval of the Ten Year Construction Program Amendment item on this agenda.

**Discussion by Technical Advisory Committee:**

AGENDA  
#12 Date: 02/27/2020

**Recommendation:**

**Discussion by Citizens Advisory Committee:**

AGENDA  
#12 Date: 03/02/2020

**Recommendation:**

**INTERLOCAL CONTRACT FOR  
DUCK CREEK HAVEN STREET STORM DRAIN**

**THIS INTERLOCAL CONTRACT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Clark County Regional Flood Control District, hereinafter referred to as “DISTRICT”, and the County of Clark, hereinafter referred to as “COUNTY”.

**WITNESSETH**

**WHEREAS**, pursuant to Chapter 543 of the Nevada Revised Statutes, the DISTRICT may approve a project to design and construct flood control improvements; and

**WHEREAS**, the flood control improvements proposed herein are generally described in the 2018 Clark County Flood Control Master Plan Update, Structures No DCHV 0026, 0050, 0057, hereinafter referred to as “Project”; and

**WHEREAS**, the Project is identified and shown on the attached Exhibit “A”; and,

**WHEREAS**, the Project has been approved by the DISTRICT on its annual Ten Year Construction Program; and

**WHEREAS**, it is desirable to proceed with the design of the Project; and

**WHEREAS**, the County is seeking approval for reimbursement of prior design engineering expenditures of the Project back to January 1, 2015; and

**WHEREAS**, the Project has regional flood control significance and is located in the same hydrographic area as the Las Vegas Valley.

**NOW, THEREFORE**, in consideration of the covenants, conditions, contracts, and promises of the parties hereto, the DISTRICT and the COUNTY agree to the following:

**SECTION I - SCOPE OF PROJECT**

This Interlocal Contract applies to engineering of improvements associated with the Duck Creek Haven Street Storm Drain. The basic improvements shall consist of flood water facilities including 8’ x 5’ reinforced concrete box, 10’ x 5’ reinforced concrete box, 12’ x 5’ reinforced concrete box, transitions, and various storm drain pipe sizes ranging from 24” to 60”. The improvements shall be funded through DISTRICT funds as herein described. The Project is further identified and shown on the attached Exhibit “A.”



## **SECTION II - PROJECT COSTS**

The DISTRICT agrees to fund Project costs within the limits specified below:

1. Design in an amount not to exceed \$354,000.00.
2. The total cost of this Interlocal Contract shall not exceed \$354,000.00, which includes all the items described in the paragraphs above.
3. A written request must be made to the DISTRICT and approved by the Board to reallocate funds between phases of the Project. No other approval by the Lead Entity is required.
4. A written request must be made to the DISTRICT and a supplemental interlocal contract approved by the Board to increase the total cost of the contract noted above prior to payment of any additional funds.

## **SECTION III - GENERAL**

1. The Clark County Regional Flood Control District shall be shown on the title sheet of both the plans and the specifications as the funding agency.
2. The COUNTY will comply with the Local Purchasing Act, Chapter 332, and Public Works Projects, Chapter 338 of the Nevada Revised Statutes.
3. The COUNTY, its employees, and representatives shall at all times comply with all applicable laws, ordinances, statutes, rules, and regulations in effect at the time work is performed on the Project.
4. The COUNTY will require appropriate financial security for the construction of the Project.
5. The COUNTY shall provide all impacted entities and the DISTRICT with the opportunity to provide the COUNTY with input relative to the following processes: scope of services development; consultant selection; design; construction and maintenance review; and monitoring of the effectiveness and impacts of facilities on flood flows.
6. Applicable portions of the current editions of the Policies and Procedures, the Hydrologic Criteria and Drainage Design Manual, and Uniform Regulations for Control of Drainage adopted by the DISTRICT will apply in developing this Project unless specifically superseded by this Contract.
7. Purchases of right-of-way in excess of that actually needed for construction will not be allowed unless a comparison between the cost of excess acquisition and needed acquisition, including damages, indicates that benefits from such a transaction would

result. Title to residual property will be vested in the name of the COUNTY. Revenues derived from the sale of these properties, less the cost of the sale of these properties, will be forwarded to the DISTRICT.

8. Administrative settlements and acceptance of counter offers involving right-of-way may only be made following a review and approval by the DISTRICT.
9. The DISTRICT will reimburse the COUNTY, or make payment directly to its contractor or its consultant, each month for Project costs as outlined in SECTION II - PROJECT COSTS. Invoices must identify and allocate all costs to the categories noted below:
  - a. Predesign Engineering
  - b. Design Engineering
  - c. Entity Design Labor Costs
  - d. Right-of-way
  - e. Environmental
  - f. Emergency Action Plan
  - g. Flood Map Revision
  - h. Construction
  - i. Construction Management
  - j. Entity Construction Management Labor Costs
  - k. Landscape Construction
  - l. Other
10. Accurate documentation of all work done and payments made will be maintained by the COUNTY for a period of three (3) years in hard copy form after final Project approval and payment. Following the three (3) year period, the COUNTY shall keep records for permanent storage in original form, in microfilm/fiche media, or an electronic format.
11. The DISTRICT reserves the right to review and/or audit all records pertaining to all projects both during and after Project completion.
12. Up to the limits set forth in NRS Chapter 41, the COUNTY will indemnify and defend the DISTRICT against and from any and all claims and demands of whatsoever nature which arises out of allegations of negligence or misconduct of County officers, employees or agents, related to or under this Contract which results from injury to or death of any persons whomsoever, or against and from damage to or loss or destruction of property.
13. Any costs found to be improperly allocated to the Project will be refunded by the COUNTY to the DISTRICT.

14. The items covered in SECTION II - PROJECT COSTS must be completed to the satisfaction of the DISTRICT prior to June 30, 2025. The DISTRICT may, at any time thereafter, grant extensions or terminate this Interlocal Contract after thirty (30) days notice.

Date of Commission Action: CLARK COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
By: \_\_\_\_\_  
MARILYN KIRKPATRICK  
Chair

Attest:  
  
\_\_\_\_\_  
LYNN MARIE GOYA  
County Clerk

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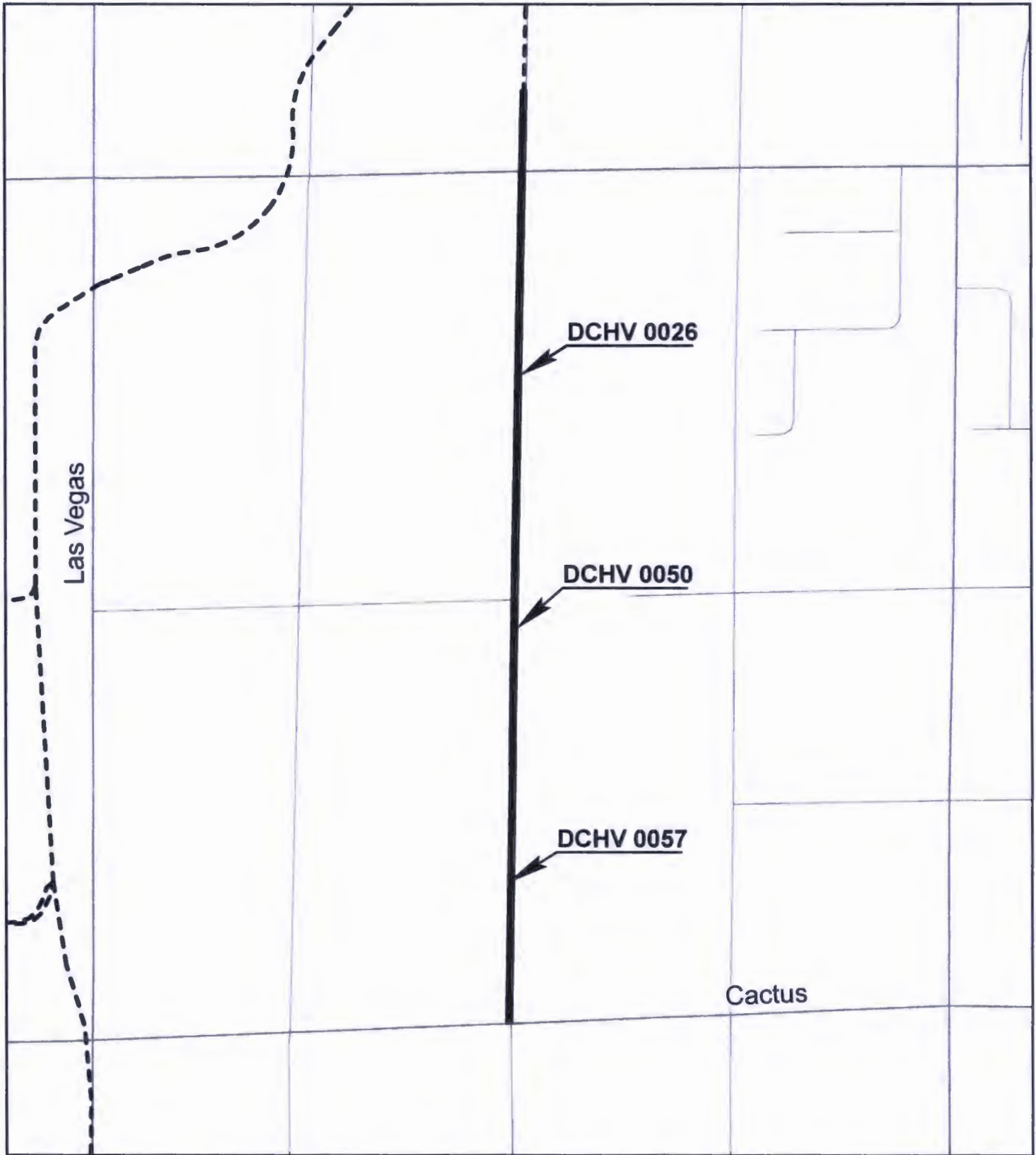
Date of District Action: REGIONAL FLOOD CONTROL DISTRICT

\_\_\_\_\_  
By: \_\_\_\_\_  
LAWRENCE L. BROWN, III, Chair

Attest:  
  
\_\_\_\_\_  
DEANNA HUGHES  
Secretary to the Board  
Approved as to Form:

\_\_\_\_\_  
CHRISTOPHER FIGGINS  
Chief Deputy District Attorney





**Legend**

--- Existing

**Exhibit A**



**Project Number: CLA38C20**

**Duck Creek Haven Street Storm Drain**

CLARK COUNTY PUBLIC WORKS

SCALE: NOT TO SCALE

DATE: 02-19-2020

SHEET NUMBER: 1 OF 1