

FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, CITY OF LOS ANGELES AND TRAPAC APPELLANTS REGARDING THE INSTALLATION AND MAINTENANCE OF AIR FILTRATION SYSTEMS IN WILMINGTON SCHOOLS

This First Amendment to the Memorandum of Agreement ("MOA" or "Agreement"), is dated for reference purposes as of March 24, 2015, by and among the South Coast Air Quality Management District, a government agency ("SCAQMD"), all of those TraPac Appellants that signed the Agreement, listed in Exhibit A to the Agreement, and the City of Los Angeles, a municipal corporation, acting by and through its Board of Harbor Commissioners ("City").

RECITALS

1. Approximately 15 schools had filtration systems installed in late 2014 and the first quarter of 2015. A five year operation and maintenance period is required for each school,
2. The Parties desire to extend the term of the Agreement for an additional 5 years, to May 6, 2020.

In consideration of the foregoing, and the mutual undertaking contained herein, the Parties hereby agree as follows.

1. Term. The Term of this Agreement is hereby extended from May 6, 2015 to May 6, 2020.
2. Schedule. Exhibit G ("Schedule of Events/Milestones") is deleted and replaced with the Exhibit G attached hereto.

Except as amended herein, all remaining terms and conditions of the Agreement shall remain unmodified and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date to the left of their signatures.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

By: Barry Wallerstein Date: 4/25/2015
Barry Wallerstein, Executive Officer

APPROVED AS TO FORM:
Kurt Wiese, General Counsel

By: Kurt Wiese Date: 4/15/15

CITY OF LOS ANGELES
a municipal corporation, acting by and through
its Board of Harbor Commissioners

By: _____
Gene Seroka, Executive Director

Date: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER,
Los Angeles City Attorney

By:  _____
Joy Crose, Assistant General Counsel

Date: 7-8-15

APPELLANTS:

By:  _____
David Pettit
Natural Resources Defense Council

Date: 4/29/15

By: _____
Colleen Callahan
Manager of Air Quality Policy and Advocacy
American Lung Association of California

Date: _____

By: _____
Greg Tarpinian, Executive Director
Change to Win

Date: _____

By: _____
Jesse Marquez, Executive Director
Coalition for a Safe Environment

Date: _____

CITY OF LOS ANGELES
a municipal corporation, acting by and through
its Board of Harbor Commissioners

By: _____
Gene Seroka, Executive Director

Date: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER,
Los Angeles City Attorney

By: _____
Joy Crose, Assistant General Counsel

Date: _____

APPELLANTS:

By: _____
David Pettit
Natural Resources Defense Council

Date: _____

By: Bonnie Holmes
~~Colleen Callahan~~ Bonnie Holmes-Gen
Manager of Air Quality Policy and Advocacy
American Lung Association of California

Date: 4-28-15

By: _____
Greg Tarpinian, Executive Director
Change to Win

Date: _____

By: _____
Jesse Marquez, Executive Director
Coalition for a Safe Environment

Date: _____

FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, CITY OF LOS ANGELES AND TRAPAC APPELLANTS REGARDING THE INSTALLATION AND MAINTENANCE OF AIR FILTRATION SYSTEMS IN WILMINGTON SCHOOLS

This First Amendment to the Memorandum of Agreement ("MOA" or "Agreement"), is dated for reference purposes as of March 24, 2015, by and among the South Coast Air Quality Management District, a government agency ("SCAQMD"), all of those TraPac Appellants that signed the Agreement, listed in Exhibit A to the Agreement, and the City of Los Angeles, a municipal corporation, acting by and through its Board of Harbor Commissioners ("City").

RECITALS

1. Approximately 15 schools had filtration systems installed in late 2014 and the first quarter of 2015. A five year operation and maintenance period is required for each school,
2. The Parties desire to extend the term of the Agreement for an additional 5 years, to May 6, 2020.

In consideration of the foregoing, and the mutual undertaking contained herein, the Parties hereby agree as follows.

1. Term. The Term of this Agreement is hereby extended from May 6, 2015 to May 6, 2020.
2. Schedule. Exhibit G ("Schedule of Events/Milestones") is deleted and replaced with the Exhibit G attached hereto.

Except as amended herein, all remaining terms and conditions of the Agreement shall remain unmodified and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date to the left of their signatures.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

By: _____
Barry Wallerstein, Executive Officer

Date: _____

APPROVED AS TO FORM:
Kurt Wiese, General Counsel

By: _____


Date: 4/15/15

CITY OF LOS ANGELES
a municipal corporation, acting by and through
its Board of Harbor Commissioners

By: _____
Gene Seroka, Executive Director

Date: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER,
Los Angeles City Attorney

By: _____
Joy Crose, Assistant General Counsel

Date: _____

APPELLANTS:

By: _____
David Pettit
Natural Resources Defense Council

Date: _____

By: _____
Colleen Callahan
Manager of Air Quality Policy and Advocacy
American Lung Association of California

Date: _____

By: Tom Woodruff
TOM WOODRUFF Executive Director
Change to Win

Date: 4/30/15

By: _____
Jesse Marquez, Executive Director
Coalition for a Safe Environment

Date: _____

CITY OF LOS ANGELES
a municipal corporation, acting by and through
its Board of Harbor Commissioners

By: _____
Gene Seroka, Executive Director

Date: _____

APPROVED AS TO FORM:
MICHAEL N. FEUER,
Los Angeles City Attorney

By: _____
Joy Crose, Assistant General Counsel

Date: _____

APPELLANTS:

By: _____
David Pettit
Natural Resources Defense Council

Date: _____

By: _____
Colleen Callahan
Manager of Air Quality Policy and Advocacy
American Lung Association of California

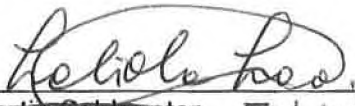
Date: _____

By: _____
Greg Tarpinian, Executive Director
Change to Win

Date: _____

By: Jesse N. Marquez
Jesse Marquez, Executive Director
Coalition for a Safe Environment

Date: 4/16/2015

By:  Date: 4/27/15
~~Martin Schlageter~~ Fabiola Lao
Campaign and Advocacy Director Deputy Policy Director
Coalition for Clean Air

By: _____ Date: _____
Shana Lazerow, Attorney
Communities for a Better Environment

By: _____ Date: _____
Rupal Patel, Director
Communities for Clean Ports

By: _____ Date: _____
Jim Stewart
Earth Day LA

By: _____ Date: _____
Lillian Light, President
Environmental Priorities Network

By: _____ Date: _____
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By: _____ Date: _____
Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: _____ Date: _____
Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

By:  _____ Date: 4/28/2015
Shana Lazerow, Attorney
Communities for a Better Environment

By: _____ Date: _____
Rupal Patel, Director
Communities for Clean Ports

By: _____ Date: _____
Jim Stewart
Earth Day LA

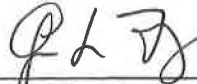
By: _____ Date: _____
Lillian Light, President
Environmental Priorities Network

By: _____ Date: _____
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By: _____ Date: _____
Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: _____ Date: _____
Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

By: _____ Date: _____
Shana Lazerow, Attorney
Communities for a Better Environment

By:  _____ Date: 4/27/15
Rupal Patel, Director *Gisela Fong, Executive Director*
Communities for Clean Ports

By: _____ Date: _____
Jim Stewart
Earth Day LA

By: _____ Date: _____
Lillian Light, President
Environmental Priorities Network


By: _____ Date: _____
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By: _____ Date: _____
Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: _____ Date: _____
Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

By: _____ Date: _____
Shana Lazerow, Attorney
Communities for a Better Environment

By: _____ Date: _____
Rupal Patel, Director
Communities for Clean Ports

By:  _____ Date: 6/1/15
Jim Stewart
Earth Day LA

By: _____ Date: _____
Lillian Light, President
Environmental Priorities Network

By: _____ Date: _____
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By: _____ Date: _____
Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: _____ Date: _____
Katherine Attar
Health and Environment Program Coordinator
Physicians for Social Responsibility

By: _____ Date: _____
Andy Mardesich, President
San Pedro and Peninsula Homeowners Coalition

By: _____ Date: _____
Tom Politeo, Co-Chair
Sierra Club Harbor Vision Task Force

By: _____ Date: _____
Kathleen Woodfield

By: _____ Date: _____
Chuck Hart

By: _____ Date: _____
Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

By: _____ Date: _____
Shana Lazerow, Attorney
Communities for a Better Environment

By: _____ Date: _____
Rupal Patel, Director
Communities for Clean Ports

By: _____ Date: _____
Jim Stewart
Earth Day LA

By: Lillian Light Date: 5/5/15
Lillian Light, President
Environmental Priorities Network

By: _____ Date: _____
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By: _____ Date: _____
Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: _____ Date: _____
Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

By: _____ Date: _____
Shana Lazerow, Attorney
Communities for a Better Environment

By: _____ Date: _____
Rupal Patel, Director
Communities for Clean Ports

By: _____ Date: _____
Jim Stewart
Earth Day LA

By: _____ Date: _____
Lillian Light, President
Environmental Priorities Network

By: Frank O'Brien (MLP) Date: 4-29-15
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By: _____ Date: _____
Chuck Mack
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: _____ Date: _____
Martin Schlageter
Campaign and Advocacy Director
Coalition for Clean Air

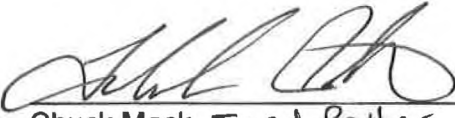
By: _____ Date: _____
Shana Lazerow, Attorney
Communities for a Better Environment

By: _____ Date: _____
Rupal Patel, Director
Communities for Clean Ports

By: _____ Date: _____
Jim Stewart
Earth Day LA

By: _____ Date: _____
Lillian Light, President
Environmental Priorities Network

By: _____ Date: _____
Frank O'Brien, Executive Director
Harbor Watts Economic Development Corporation

By:  _____ Date: 4/28/15
~~Chuck Mack~~ Fred Potter
International Vice President and Port Division Director
International Brotherhood of Teamsters

By: Katherine Attar Date: 6/5/15
Katherine Attar
Health and Environment Program Coordinator
Physicians for Social Responsibility

By: _____ Date: _____
Andy Mardesich, President
San Pedro and Peninsula Homeowners Coalition

By: _____ Date: _____
Tom Politeo, Co-Chair
Sierra Club Harbor Vision Task Force

By: _____ Date: _____
Kathleen Woodfield

By: _____ Date: _____
Chuck Hart

By: _____

Date: _____

Katherine Attar
Health and Environment Program Coordinator
Physicians for Social Responsibility

By:  _____


Date: 5/28/15

Andy Mardesich, President
San Pedro and Peninsula Homeowners Coalition

By: _____

Date: _____

Tom Politeo, Co-Chair
Sierra Club Harbor Vision Task Force

By:  _____

Date: 5/28/15

Kathleen Woodfield

By: _____

Date: _____

Chuck Hart

By: _____ Date: _____
Katherine Attar
Health and Environment Program Coordinator
Physicians for Social Responsibility

By: _____ Date: _____
Andy Mardesich, President
San Pedro and Peninsula Homeowners Coalition

By:  _____ Date: 10-22-2015
~~Tom Politee, Co-Chair~~
Sierra Club Harbor Vision Task Force *Los Angeles Chapter*

By: _____ Date: _____
Kathleen Woodfield

By: _____ Date: _____
Chuck Hart

By: _____ Date: _____
Katherine Attar
Health and Environment Program Coordinator
Physicians for Social Responsibility

By: _____ Date: _____
Andy Mardesich, President
San Pedro and Peninsula Homeowners Coalition

By: _____ Date: _____
Tom Politeo, Co-Chair
Sierra Club Harbor Vision Task Force

By: _____ Date: _____
Kathleen Woodfield

By: Chuck Hart Date: 6-5-15
Chuck Hart

Exhibit A
List of Appellants that are party to this MOA

Natural Resources Defense Council
American Lung Association of California
Change to Win
Coalition for a Safe Environment
Coalition for Clean Air
Communities for a Better Environment
Communities for Clean Ports
Earth Day LA
Environmental Priorities Network
Harbor Watts Economic Development Corporation
International Brotherhood of Teamsters
Physicians for Social Responsibility
San Pedro and Peninsula Homeowners Coalition
Sierra Club Harbor Vision Task Force
Kathleen Woodfield
Chuck Hart

Exhibit G (revised)

Schedule of Events/Milestones

The following shall occur at or after MOA execution by the SCAQMD Governing Board:

	<u>From Date of MOA Execution</u>
Release RFP for air filtration installation and maintenance	Execution
Proposals due for RFP	2 months
Select contractor	3 months
Approval of contractor by Governing Board	4 months
Contract execution with contractor	6 months
School selection process for initial assessments	7-9 months
Gain access to schools	7-9 months
Contractor conducts initial round of school assessments (up to 10)	9-12 months
SCAQMD selects schools to receive filtration	12 months
Contractor installs filtration based on list of selected schools (up to 8)	13-24 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	16-27 months
SCAQMD conducts post implementation PM monitoring (3, 6, 9, 12 months post installation at each school)	16-36 months
<i>Schools are selected to receive feasibility assessments, and based on assessment results, schools will be selected to receive air filtration systems. Contractor trains school maintenance staff on ongoing maintenance. SCAQMD conducts PM monitoring. This cycle is repeated as necessary: new schools will receive feasibility assessments and air filtration systems until funds are spent. The Schedule assumes three rounds of assessment and implementation, but can be repeated as necessary.</i>	
SCAQMD reviews post implementation reports and data,	
School selection process for assessments	22-24 months

Contractor conducts school assessments (up to 10)	24-26 months
SCAQMD selects schools to receive filtration	26 months
Contractor installs filtration based on list of selected schools (up to 8)	27-36 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	30-39 months
AQMD conducts post implementation PM monitoring (3, 6, 9, 12 months post installation at each school)	30-48 months
AQMD reviews post implementation reports and data School selection process for assessments	34-36 months
Contractor conducts school assessments (up to 10)	36-38 months
AQMD selects schools to receive filtration	38 months
Contractor installs filtration based on list of selected schools (up to 8)	39-48 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	42-51 months
AQMD conducts post implementation PM monitoring (3, 6, 9, 12 months post installation at each school)	42-60 months
Execute contract amendment with contractor	61 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	63-66 months
SCAQMD conducts post implementation PM monitoring (12-18 months post installation at each school)	78-84 months
SCAQMD reviews post implementation reports and data	63-84 months
Contractor provides maintenance filters to schools	Ongoing through year 10
<u>Reporting Schedule:</u>	
Updates, oral or written, to Parties	Quarterly, as needed
Written reports	Annually
Final report	Project completion