

FIRST AMENDMENT TO AGREEMENT NO. 16-3442  
BETWEEN THE CITY OF LOS ANGELES AND  
ALTASEA AT THE PORT OF LOS ANGELES

THIS FIRST AMENDMENT to Agreement No. 16-3442 is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), acting by and through its Board of Harbor Commissioners ("Board"), and ALTASEA AT THE PORT OF LOS ANGELES ("AltaSea") as follows:

1. Section 6 is amended to read:

"6. AltaSea and the Department will follow their respective procedures to approve, and thereafter comply with, the following grant award documents listed and included with this Agreement as set forth herein:

Attached as Exhibit C;

- i. Financial Assistance Award, Project Number 07-01-07315, dated September 28, 2016.
- ii. Special Award Conditions for Project Number 07-01-07315, Business Hub Infrastructure at City Dock No. 1.
- iii. Economic Development Administration Standard Terms and Conditions for Construction Projects, dated February 12, 2016.

Attached as Exhibit C-1;

- iv. Amendment Number 1 to Financial Assistance Award, Project Number 07-01-07315, dated July 13, 2018 and Special Award Conditions as attached thereto as Exhibit A.

The Executive Director shall have the delegated authority to approve additional Amendments to the Financial Assistance Award and Special Award Conditions so long as such Amendments are limited to scheduling modifications within the 60-month Business Hub Infrastructure Project timeframe and/or re-allocation of the \$3,000,000 budget within the existing authorized scope of work, and subject to approval as to form and legality by the Office of the City Attorney. The Executive Director shall have the right to execute Amendments as set forth herein and upon execution by the parties of any Amendments, an Exhibit C-(x) shall be considered incorporated into this Agreement and made a part thereof."

2. Exhibit C-1 is attached hereto and made a part hereof.

Except as amended herein, all remaining terms and conditions of Agreement No. 16-3442 shall remain in full force and effect.

IN WITNESS THEREOF, the parties hereto have executed this First Amendment to Agreement No. 16-3442 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners

Dated: \_\_\_\_\_

By \_\_\_\_\_  
EUGENE D. SEROKA  
Executive Director

Attest \_\_\_\_\_  
AMBER M. KLESGES  
Board Secretary

Dated: 8/29/18

ALTASEA AT THE PORT OF LOS ANGELES  
By: Tim W. Foster  
Timothy B. Foster (CEO)  
(Print/type name and title)

Attest: Jenny Kausoe  
Jenny Kausoe, ED  
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

August 29, 2018  
MICHAEL N. FEUER, City Attorney  
Janna B. Sidley, General Counsel

By Heather M. McCloskey  
Heather M. McCloskey, Deputy

Rev. 01/11/16

# Exhibit C-1

RECEIVED  
7-23-18



**U. S. DEPARTMENT OF COMMERCE**  
Economic Development Administration  
915 Second Avenue, Room 1890  
Seattle, WA 98174  
Fax: 206.220.7669  
Voice: 206.220.7660

July 13, 2018

Mr. Eugene D. Seroka  
Executive Director  
City of Los Angeles, Harbor Department  
425 S. Palos Verdes Street  
San Pedro, California 90733-0151

Ms. Jenny Krusoe  
Executive Director  
222 W. 6<sup>th</sup> Street, Suite 1010  
San Pedro, California 90731-7838

RE: EDA Award No. 07-01-07315  
Business Hub Infrastructure

Special Award Condition No. 6, Project Development Time Schedule, to the Financial Assistance Award is hereby amended to read as follows:

“The Recipient agrees to the following project development time schedule:

	<u>Deadline Date</u>
Start of Construction	September 28, 2019

Except as amended herein, all other terms and conditions of the Financial Assistance Award remain in full force and effect.

Your agreement to Award Amendment No. 1, the revised time schedule, should be indicated by the signature of your principal official on the enclosed “Amendment to Financial Assistance Award”. Please sign and return one fully executed original to the Regional Director, Seattle Regional Office, Economic Development Administration, Jackson Federal Building – Room 1890, 915 Second Avenue, Seattle, Washington 98174. The other original is for your files.

Sincerely,

  
A. Leonard Smith  
Regional Director

Copy to: Wil Marshall, EDR

SPECIAL AWARD CONDITIONS

6. **PROJECT DEVELOPMENT TIME SCHEDULE:** The Recipient agrees to the following Project development time schedule:

"Time allowed after acceptance by Recipient of Financial Assistance Award for:

	<u>Deadline Date</u>
Start of Construction	September 28, 2019
Construction Completed	48 months from date of award
Authorized Award End Date	60 months from date of award
Submission of Final Financial Documents (SF-425)	No later than 90 calendar days from Award End date.

Project Closeout - All Project closeout documents, including final financial information and any required program reports, shall be submitted to the Government not more than 90 days after the date the Recipient accepts the completed Project from the contractor(s).

The Recipient shall diligently pursue the development of the Project so as to ensure completion within this time schedule. Moreover, the Recipient shall promptly notify the EDA in writing of any event which could substantially delay meeting any of the prescribed time limits for the Project as set forth above. The Recipient further acknowledges that failure to meet the development time schedule may result in the EDA's taking action to terminate the Award in accordance with the regulations set forth at 2 CFR 200,338 through 200.342.

## AMENDMENT TO FINANCIAL ASSISTANCE AWARD

FEDERAL AWARD ID NUMBER

07-01-07315

AMENDMENT NUMBER

1

RECIPIENT NAME

City of Los Angeles, Harbor Department

STREET ADDRESS

425 S. Palos verde Street

STREET ADDRESS

San Pedro, CA 90731-0161

RECIPIENT NAME

Alta Sea at the Port of Los Angeles

STREET ADDRESS

222 W. Sixth Street, Suite 100

CITY, STATE, ZIP CODE

San Pedro, CA 90731-7838

AUTHORITY

EFFECTIVE DATE OF AMENDMENT

13-Jul-18

FEDERAL SHARE OF COST

\$ 3,000,000.00

RECIPIENT SHARE OF COST

\$ 5,588,000.00

TOTAL ESTIMATED OF COST

\$ 8,588,000.00

ORIGINAL PERIOD OF PERFORMANCE

September 28, 2021

EXTEND PERIOD OF PERF. TO: (IF APPLICABLE)

CFDA NO. AND NAME

11.300 Public Works and Economic Development Facilities Program

PROJECT TITLE

Business Hub Infrastructure at City Dock 1

COSTS ARE REVISED AS FOLLOWS:	PREVIOUS ESTIMATED COST	ADD	DEDUCT	TOTAL ESTIMATED COST
FEDERAL SHARE OF COST	\$ 3,000,000.00			\$ 3,000,000.00
RECIPIENT SHARE OF COST	\$ 5,588,000.00			\$ 5,588,000.00
TOTAL ESTIMATED COST	\$ 8,588,000.00			\$ 8,588,000.00

REASON(S) FOR AMENDMENT:

**Construction Start Time Extension/ Revised Special Award Condition.**

This Amendment Document (Form CD-451) signed by the Grants Officer constitutes an Amendment of the above referenced Award, which may include an obligation of Federal funding. By signing this Form CD-451, the Recipient agrees to comply with the Amendment provisions checked below and attached, as well as previous provisions incorporated into the Award. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this Amendment offer and de-obligate any associated funds.

- Special Award Conditions
- Line Item Budget
- Other

SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER

DATE

A. Leonard Smith, Regional Director



7-13-18

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

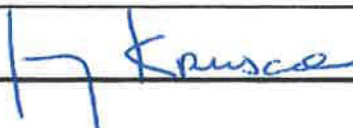
DATE

Mr. Eugene D. Seroka, Executive Director

PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

DATE

Ms. Jenny Krusoe, Executive Director



7-23-18