

SECOND AMENDMENT TO AGREEMENT NO. 17-3533
BETWEEN THE CITY OF LOS ANGELES AND
EVERPORT TERMINAL SERVICES INC.
BYD MOTORS LLC
TAYLOR MACHINE WORKS, INC.

THIS SECOND AMENDMENT to Agreement No. 17-3533 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 EVERPORT TERMINAL SERVICES INC., BYD MOTORS LLC, and TAYLOR MACHINE WORKS, INC. as follows:

1. Section III (B) (1) is amended to read:
 - "1. March 31, 2023; or"
2. Exhibit A Attachment A-1 "Schedule of Products and Due Dates" is removed in its entirety and replaced with a revised Exhibit A Attachment A-1 "Schedule of Products and Due Dates" which is attached hereto and made a part hereof.
3. Exhibit D "Contact List" in Exhibit A of the Agreement is removed in its entirety and replaced with a revised Exhibit D "Contact List" which is attached hereto and made a part hereof.
4. The name of Subrecipient BYD Motors Inc. is hereby changed to "BYD Motors LLC" due to the dissolution of BYD Motors Inc. and the incorporation in the State of Delaware of BYD Motors LLC in December 2018, and by signing this Second Amendment BYD Motors LLC agrees to assume all terms and conditions of Agreement No. 17-3533, and any amendments thereto.

Except as amended herein, all remaining terms and conditions of Agreement No. 17-3533 shall remain in full force and effect.

Subject to the provisions of Charter Section 373, the effective date of this Amendment shall be April 1, 2022, after its execution by the Executive Director upon authorization of the Board and approval by City Council as required by Charter Section 373 and Administrative Code Section 10.5.

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IN WITNESS THEREOF, the parties hereto have executed this Second Amendment to Agreement No. 17-3533 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: 2/23/22

EVERPORT TERMINAL SERVICES INC.

By  _____
Ron Neal SVP
(Print/type name and title)

Attest  _____
DENIS DELGADO VP/GM
(Print/type name and title)

BYD MOTORS LLC

Dated: _____

By _____

(Print/type name and title)

Attest _____

(Print/type name and title)

Signatures continue on next page.

IN WITNESS THEREOF, the parties hereto have executed this Second Amendment to Agreement No. 17-3533 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

EVERPORT TERMINAL SERVICES INC.

Dated: _____

By _____

(Print/type name and title)

Attest _____

(Print/type name and title)

BYD MOTORS LLC

Dated: 3/2/22

By [Signature]
PATRICK DWAN, SUP
(Print/type name and title)

Attest [Signature]
Vincent E. Pellechia
(Print/type name and title)

Signatures continue on next page.

Dated: 2/24/22

TAYLOR MACHINE WORKS, INC.

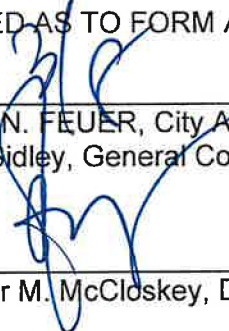
By Brittney Luke

Brittney Luke, CFO/Treasurer
(Print/type name and title)

Attest 

Robert Taylor PRESIDENT
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY


_____, 2022
MICHAEL N. FEUER, City Attorney
Janna B. Sidley, General Counsel

By _____
Heather M. McCloskey, Deputy

Rev. 01/11/16

**Exhibit A
Attachment A-1**

Schedule of Products and Due Dates

Task Number	Task Name	Product(s)	Due Date
1	Administration	Agreement End Date	<u>3/31/2023</u>
1.1	Attend Kick-off Meeting	Updated Schedule of Products	6/15/2017
		Updated List of Match Funds	6/15/2017
		Updated List of Permits	6/15/2017
		Kick-Off Meeting Agenda (CEC)	6/15/2017
1.2	Critical Project Review Meetings		
	1st CPR Meeting	CPR Report	10/31/2018
		Written determination (CEC)	10/31/2018
	2nd CPR Meeting	CPR Report	10/24/2019
		Written determination (CEC)	10/24/2019
1.3	Final Meeting	Written documentation of meeting agreements	<u>3/1/2023</u>
		Schedule for completing closeout activities	<u>3/1/2023</u>
1.4	Monthly Progress Reports	Monthly Progress Reports	The 10th calendar day of each month during the approved term of this Agreement
1.5	Final Report	Final Outline of the Final Report	12/5/2020
		Draft Final Report (no less than 60 days before the end term of the agreement)	<u>11/15/2022</u>
		Final Report	<u>2/5/2023</u>
1.6	Identify and Obtain Match Funds	A letter regarding match funds or stating that no match funds are provided	7/14/2017
		Copy(ies) of each match fund commitment letter(s) (if applicable)	7/14/2017
		Letter(s) for new match funds (if applicable)	Within 10 days of identifying new match funds
		Letter that match funds were reduced (if applicable)	Within 10 days of identifying reduced funds

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**Exhibit A
Attachment A-1**

1.7 Identify and Obtain Required Permits	Letter documenting the permits or stating that no permits are required	<u>9/15/2017</u>
	<u>A copy of each approved permit (if applicable)</u>	Within 10 days of receiving each permit
	<u>Updated list of permits as they change during the term of the Agreement (if applicable)</u>	Within 10 days of change in list of permits
	<u>Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)</u>	Within 10 days of change in schedule for obtaining permits
1.8 Obtain and Execute Subcontracts	Letter describing the subcontracts needed, or stating that no subcontracts are required	<u>9/15/2017</u>
	<u>Draft subcontracts</u>	15 days prior to the scheduled execution date
	<u>Final subcontracts</u>	Within 10 days of execution
2 PLAN, DESIGN, BUILD AND DEMONSTRATE FIVE ADVANCED CARGO HANDLING EQUIPMENT, INCLUDING ZERO-EMISION TOP HANDLERS AND YARD TRACTORS	<u>Top Handler Equipment Summary Report</u>	<u>1/4/2021</u>
	<u>Yard Tractor Equipment Summary Report</u>	<u>10/30/2021</u>
3 PLAN, DESIGN AND CONSTRUCT CHARGING	<u>Construction Summary Report</u>	<u>11/30/2021</u>
	4 DATA COLLECTION AND ANALYSIS	
	Top Handler Data collection information and analysis will be provided in the final report (Task 1.5)	<u>8/30/2021</u>
	Yard Tractor Data collection information and analysis will be provided in the final report (Task 1.5)	<u>11/15/2022</u>

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**Exhibit D
Contact List**

California Energy Commission	Recipient
<p>Commission Agreement Manager:</p> <p>Alex Wan California Energy Commission 715 P Street, MS-27 Sacramento, CA 95814 Phone: (916) 805-7477 e-mail: alexander.wan@energy.ca.gov</p>	<p>Project Manager:</p> <p>Teresa Pisano Marine Environmental Supervisor, Air City of Los Angeles, Harbor Department 425 S. Palos Verdes Street San Pedro, CA 90731 Phone: (310) 732-3057 Fax: (310) 547-4643 e-mail: tpisano@portla.org</p>
<p>Confidential Deliverables/Products</p> <p>California Energy Commission Contracts, Grants and Loans Office 715 P, MS-18 Sacramento, CA 95814</p>	<p>Administrator:</p> <p>Christopher Cannon Chief Sustainability Officer City of Los Angeles, Harbor Department 425 S. Palos Verdes Street San Pedro, CA 90731 Phone: (310) 732-7649 Fax: (310) 547-4643 e-mail: ccannon@portla.org</p>
<p>Invoices, Progress Reports and Non-Confidential Deliverables to:</p> <p>California Energy Commission Accounting Office 715 P, MS-2 Sacramento, CA 95814</p>	<p>Accounting Officer:</p> <p>Frank Liu Accounting Director City of Los Angeles, Harbor Department 425 S. Palos Verdes Street San Pedro, CA 90731 Phone: (310) 732-3799 Fax: (310) 831-0439 e-mail: fliu@portla.org</p>
<p>Legal Notices:</p> <p>Tatyana Yakshina Grants Manager 715 P Street, MS-18 Sacramento, CA 95814 Phone: (916) 827-9294 e-mail: tatyana.yakshina@energy.ca.gov</p>	<p>Recipient Legal Notices:</p> <p>Office of the City Attorney, Harbor Division 425 S. Palos Verdes Street San Pedro, CA 90731 Phone: (310) 732-3750 Fax: (310) 831-9778 e-mail: polageneralcounsel@portla.org</p>

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