

THIRD 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 THIRD 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. October 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" (ARV-16-026-04) which is attached hereto and made a part of the Agreement.
3. Exhibit C-1 "Special Terms and Conditions ARV-16-024 Amendment 4" in Exhibit A of the Agreement which is attached hereto is made a part of the Agreement.
4. The Parties agree that Subrecipients shall not be responsible for the payment of any liquidated damages that may be assessed by the California Energy Commission pursuant to Paragraph 4 in Exhibit C-1.
5. Unless otherwise expressly indicated, capitalized terms not defined herein shall have the meanings ascribed thereto in the Agreement.
6. Except as amended herein, all remaining terms and conditions of Agreement No. 17-3533 shall remain in full force and effect.
7. The effective date of this Third Amendment shall be upon execution by the Executive Director after 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 Third 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: 2/3/23

EVERPORT TERMINAL SERVICES INC.
By _____
Ken Neal
Ken Neal - President
(Print/type name and title)

Attest _____
Denis Delgado
DENIS DELGADO - SVP
(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 Third 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)

Dated: 2/2/2023

BYD MOTORS LLC

By _____
DocuSigned by:
Patrick Duan
DB3FD2914BD8461...
Patrick Duan Senior VP, Operations

(Print/type name and title)

Attest _____
DocuSigned by:
John Zhuang
25E82AB10D86450
John Zhuang General Counsel

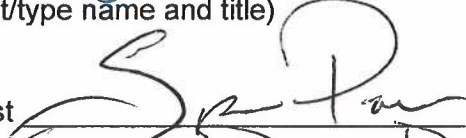
(Print/type name and title)

Signatures continue on next page.

TAYLOR MACHINE WORKS, INC.

Dated: 2-3-23

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

Attest 
SPENCER POPE, Product Manager
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

February 3, 2023
HYDEE FELDSTEIN SOTO, City Attorney
Steven Y. Otera, General Counsel

By Heather M. McCloskey
Heather M. McCloskey, Deputy