

## OFFICE OF THE CITY ADMINISTRATIVE OFFICER

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Date: October 9, 2024

CAO File No. 0150-12765-0000

Council File No.

Council District: 11

To: The Mayor

From: Matthew W. Szabo, City Administrative Officer

Reference: Correspondence from the Los Angeles World Airports Board of Airport Commissioners dated August 15, 2024 and August 30, 2024; referred by the Mayor for a report on August 16, 2024

Subject: **RESOLUTION NO. 28015 AND PROPOSED SECOND AMENDMENT TO CONTRACT DA-5569 WITH W.E. O'NEIL CONSTRUCTION CO. OF CALIFORNIA FOR THE MIDFIELD SATELLITE CONCOURSE SOUTH PROJECT AT LOS ANGELES INTERNATIONAL AIRPORT**

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### RECOMMENDATION

That the Mayor:

1. Approve Los Angeles World Airports (LAWA) Board Resolution No. 28015 authorizing a Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California:
  - a. Extending the term by two years, from August 8, 2025 to August 9, 2027, and increasing the contract authority by \$11,283,165, for a new not to exceed total of \$335,703,433, covering construction services for the Midfield Satellite Concourse South (referred to as "MSC South") Project at Los Angeles International Airport; and
  - b. Approving an appropriation and allocation of new funds in the amount of \$15,800,000, to include \$2,574,360 in additional contingency and \$1,942,475 in related other costs to cover construction services for the MSC South Project;
2. Adopt the California Environmental Quality Act (CEQA) determinations of the August 30, 2024 Board of Airport Commissioners (Board) Resolution 28015, that this action is exempt from CEQA pursuant to Article II, Section 2(i) of the Los Angeles City CEQA Guidelines; and
3. Authorize the LAWA Chief Executive Officer, or designee, to execute the proposed Second Amendment upon approval as to form by the City Attorney and approval by the Council.

### SUMMARY

The Los Angeles World Airports (LAWA) Board of Airport Commissioners (Board) requested approval of its August 30, 2024 Resolution 28015, authorizing a proposed Second Amendment to

Contract DA-5569 with W.E. O'Neil Construction Co. of California (referred to as "W.E. O'Neil"). The existing contract covers the construction of the Midfield Satellite Concourse South (known as "MSC South") Project at Los Angeles International Airport (LAX). The term of the original contract commenced on August 8, 2022 and expires on August 7, 2025.

Approval of the proposed Second Amendment will extend the term for two years, through August 9, 2027, and increase the contract authority by \$11,283,165, for a new total not to exceed amount of \$335,703,433. The amendment also includes a total appropriation of \$15,800,000 to address additional project costs and includes \$4,516,835 for project contingency and related costs.

The proposed Second Amendment to the contract has been approved as to form by the City Attorney. Pursuant to Charter Section 373 and Los Angeles Administrative Code Section 10.5, Council approval is required because the cumulative contract term exceeds three years. Our Office has reviewed the request and recommends approval.

## **BACKGROUND**

*Contract Approval for MSC South Project* – On July 21, 2022, through Resolution 27547, the Board approved a three-year contract with W.E. O'Neil for the MSC South Project at LAX, for an amount not to exceed \$85,900,000. Additionally, the Board authorized an appropriation of \$105,900,000 in capital funds for preconstruction, long-lead procurement, enabling and construction services, and related costs.

*Financial Modifications* – The Board authorized two financial modifications to the contract: 1) Resolution 27579, on September 1, 2022, adjusting the budget amount by re-appropriating capital funds from \$105,900,000 to \$127,600,000, and 2) Resolution 27764, on June 15, 2023, approving a First Amendment to increase the contract authority by \$238,500,000, from \$85,900,000 to \$324,400,000, and appropriating \$277,600,000.

*Second Amendment* - On August 15, 2024 and August 30, 2024, the Board approved a LAWA staff report and Resolution 28015, authorizing the execution of a proposed Second Amendment to the W.E. O'Neil contract. The amendment extends the contract by two years, from August 8, 2025 to August 9, 2027, for a total term of five years. It also increases the total appropriation by \$15,800,000, including \$2,574,360 for project contingency, \$1,942,475 for other related costs, and \$11,283,165 for contract authority, raising the contract limit to \$335,703,433.

*New Project Scope* - The proposed Second Amendment will allow W.E. O'Neil to continue construction services for the MSC South Project, extending the apron level West Gates at Tom Bradley International Terminal with eight new gates designed for large-sized aircrafts. Initially planned as basic, unfinished spaces, the apron level areas will now be developed into modern, temporary airline relocation zones. This redesign creates flexible space to support efficient airline operations during upgrades or maintenance of other parts of the airport.

*Project Schedule Update and Fee Implications* – As a result of a 62-day schedule delay caused by the need to address code compliance issues, LAWA has incurred \$1,657,360 in compensable fees.

The revised target date for the project closeout is no later than August 9, 2024, with the facility's official opening now scheduled for October 10, 2025.

## **CITY COMPLIANCE**

*Small Business Enterprise (SBE), Local Business Enterprise (LBE), Local Small Business Enterprise (LSBE), Disadvantaged Business Enterprise (DBE), and Disabled Veterans Business Enterprise (DVBE) Participation* – LAWA has set the following Business Enterprise goals: three percent SBE, seven percent LBE, three percent LSBE, 20 percent DBE, and two percent DVBE. Currently, W.E. O'Neil Construction of California has achieved two percent SBE, one percent LBE, one percent LSBE, five percent DBE, and two percent DVBE participation. As interior construction projects begin, opportunities for Business Enterprise participation will increase. Consequently, the noted participation rates are expected to rise.

*Charter Section 1022* – The Department has determined that the work specified in the proposed Second Amendment can be performed more feasibly or economically by an Independent Contractor than by City employees.

*California Environmental Quality Act (CEQA)* – The proposed Second Amendment with W.E. O'Neil Construction Co. of California for the Midfield Satellite Concourse South Project at LAX will not directly impact the environment and is exempt from CEQA pursuant to Article II, Section 2(i) of the Los Angeles City CEQA Guidelines. The MSC Environmental Impact Report was certified by the Board for this project on July 21, 2014 (Resolution 25478).

The proposed agreement includes provisions to ensure compliance with applicable City Ordinances, contracting, and insurance requirements. The underlying contract has been reviewed and approved as to form by the City Attorney. In accordance with Charter Section 373 and Administrative Code Section 10.5(a) and 10.5 (b)(2), the proposed amendment requires Council approval because the total term of the contract exceeds three years. Our Office recommends approval.

## **FISCAL IMPACT STATEMENT**

Approval of the proposed Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California for the Midfield Satellite Concourse South Project at Los Angeles International Airport will have no impact on the City's General Fund. Further, approval will result in a new appropriation of \$15,800,000 in capital funds from the LAX Revenue Fund and allocated to WBS Element 1.18.39A-700 (Midfield Satellite Concourse - South) for increased project costs, contingency and other related costs. Funding for the proposed Second Amendment is programmed in LAWA's 2022 Capital Improvement Plan (CIP), therefore, the associated costs will not increase to the Department's CIP. The recommendations in this report comply with the Los Angeles World Airports' adopted Financial Policies.



August 15, 2024

The Honorable Karen Bass  
Mayor, City of Los Angeles  
City Hall – Room 303  
Los Angeles, CA 90012

ATTN: Heleen Ramirez, Legislative Coordinator  
ATTN: Thomas Arechiga, Deputy Legislative Coordinator

LAX

Van Nuys

City of Los Angeles

Karen Bass  
Mayor

Board of Airport  
Commissioners

Karim Webb  
President

Matthew M. Johnson  
Vice President

Vanessa Aramayo  
Courtney La Bau  
Victor Narro  
Nicholas P. Roxborough  
Valeria C. Velasco

John Ackerman  
Chief Executive Officer

RE: Request to approve the Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California

In accordance with Executive Directive No. 4, we are transmitting a copy of the specified board report for the request to approve the Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California for the Midfield Satellite Concourse South Project at Los Angeles International Airport to increase the contract amount by \$11,283,165, for the new total not-to-exceed amount of \$335,703,433, and extend the contract term through August 9, 2027; approve a change order in the amount of \$1,657,360 for added construction services; and authorize the appropriation of new funds in the amount of \$15,800,000.

City Council approval is required pursuant to Section 373 of the Los Angeles City Charter.

Sincerely,

A handwritten signature in black ink that reads "Becca Doten". The signature is stylized with a large, looped "B" and a long horizontal stroke at the end.

Becca Doten  
Chief of Staff

BD:MSA:ksf





## Report to the BOARD OF AIRPORT COMMISSIONERS

Approver:

  
Hans Thilenius, Deputy Executive Director  
Terminal Development & Improvement Program

Reviewer:



Brian C. Ostler, City Attorney



John Ackerman, Chief Executive Officer

### Meeting Date

8/15/2024

Needs Council Approval: ☒ Y

Reviewed for/by	Date	Approval Status	By
Finance	7/17/2024	<input checked="" type="checkbox"/> Y <input type="checkbox"/> NA	JS
CEQA	7/12/2024	<input checked="" type="checkbox"/> Y	VW
Procurement	7/17/2024	<input checked="" type="checkbox"/> Y <input type="checkbox"/> Cond	BG
Guest Experience	7/15/2024	<input checked="" type="checkbox"/> Y	TB
Strategic Planning	7/15/2024	<input checked="" type="checkbox"/> Y	BNZ

### SUBJECT

Request to approve the Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California for the Midfield Satellite Concourse South Project at Los Angeles International Airport to increase the contract amount by \$11,283,165, for the new total not-to-exceed amount of \$335,703,433, and extend the contract term through August 9, 2027; approve a change order in the amount of \$1,657,360 for added construction services; and authorize the appropriation of new funds in the amount of \$15,800,000.

### RECOMMENDATIONS

Management RECOMMENDS that the Board of Airport Commissioners:

1. ADOPT the Staff Report.
2. DETERMINE that any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of the California Environmental Quality Act (CEQA) is exempt from further review pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines. The Midfield Satellite Concourse Environmental Impact Report (EIR) was certified by the Board of Airport Commissioners for this project on July 21, 2014 (Resolution No. 25478).
3. APPROVE the Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California to increase the contract amount by \$11,283,165, for the new total not-to-exceed

amount of \$335,703,433, for the Midfield Satellite Concourse South Project at Los Angeles International Airport and to extend the contract term through August 9, 2027.

4. FURTHER APPROVE a change order to Contract DA-5569 with W.E. O'Neil Construction Co. of California in the amount of \$1,657,360 funded from contingency.
5. APPROPRIATE funds in the amount of \$15,800,000 to the Midfield Satellite Concourse South Project, which includes \$11,283,165 for the Second Amendment to Contract DA-5569, \$2,574,360 in additional contingency, and \$1,942,475 in other Los Angeles World Airports costs.
6. AUTHORIZE the Chief Executive Officer, or designee, to approve and execute change orders, up to a budgeted Owner's contingency of \$23,989,477 provided that prior to execution of any change order in excess of \$500,000, the Board of Airport Commissioners shall have reviewed and authorized the execution thereof, and such authorization shall become final pursuant to City Charter Section 245.
7. FURTHER AUTHORIZE the Chief Executive Officer, or designee, to execute the Second upon approval as to form by the City Attorney and approval by the Los Angeles City Council.

## **DISCUSSION**

### **1. Purpose**

The Second Amendment to Contract DA-5569 with W.E. O'Neil Construction Co. of California (W.E. O'Neil) is for construction services for the Midfield Satellite Concourse (MSC) South Project at Los Angeles International Airport (LAX), which will serve as the extension of the West Gates at Tom Bradley International Terminal (West Gates) and will provide eight new Aircraft Design Group III gates upon completion.

### **2. Prior Related Actions/History of Board Actions**

- **January 6, 2022 – Resolution No. 27419**

The Board of Airport Commissioners (Board) approved and appropriated funds to Contract DA-5462 with Skanska USA Civil West California District, Inc. (Skanska) in the not-to-exceed amount of \$9.7 million for relocation of Taxiway C12 at LAX.

- **July 21, 2022 - Resolution No. 27547 (DA-5569)**

The Board approved the award of three-year contract to W.E. O'Neil covering construction of the MSC South Project at LAX, for cost not to exceed \$85.9 million, and appropriated capital funds of \$105.9 million for said project that includes preconstruction, long-lead procurement, enabling and construction services, and Los Angeles World Airports' (LAWA) costs.

- **September 1, 2022 - Resolution No. 27579**

The Board re-appropriated funds for the MSC South Project, based on the Capital Improvement Plan (CIP) direct budget for the project, of \$127.6 million.

- **June 15, 2023 – Resolution No. 27764 (DA-5569A)**

The Board approved the First Amendment to Contract DA-5569 to increase the contract amount by \$238.5 million, for new total of \$324.4 million, covering construction services for the MSC South Project at LAX; and appropriated of \$277.6 million for said project.

### **3. Background**

Los Angeles World Airports is in the midst of a multi-billion-dollar modernization program for LAX. This overall LAWA program includes terminal renovations and modernizations, and airside improvements. This project is for the new MSC South facility, which will contain eight Aircraft Design Group III contact gates and is located just south of the previously completed MSC North facility as part of the West Gates.

### **4. Current Action/Rationale**

#### *New Scope – Apron Level Airline Spaces Buildout*

The apron level spaces were originally contemplated as a grey-shell buildout. This buildout creates a modern operational swing space for temporary airline relocation without compromising customer experience. This action is for assistance with design and for construction services of these spaces, and ancillary needs to support both ground support equipment and operations.

#### *Revised Schedule*

- a) Due to the complexity and uniqueness of this program, additional time was needed to address Los Angeles Department of Building and Safety code compliance issues with the reviewers. This created a 62-day compensable delay for the contractor and a new Substantial Completion date of October 10, 2025.
- b) With the new substantial completion date of October 10, 2025, and subsequent close-out activities, the requested amendment provides sufficient time for close out and any other potential additions to the project.

#### *Budget Impact*

The requested addition to the W. E. O'Neil construction contract authority will provide an allowance for the design assistance and construction of the space described above, as well as an allowance for the construction of the ancillary ground support equipment and associated infrastructure.

### **5. Fiscal Impact**

The MSC South Project is programmed in LAWA's 2022 CIP, with a direct budget of \$420,949,078, which includes hard costs, owner-carried costs, and contingency. As the appropriations and contract authority requested in this report are within the total direct budget, approval of this item will result in no net increase to the CIP.

## **6. Alternatives Considered**

- ***Take No Action***

Taking no action would jeopardize the current construction schedule impacting the final project budget and would prevent the addition of new scope necessary to prepare the facility for planned tenants.

## **APPROPRIATIONS**

Staff request that capital funds for this project be appropriated and allocated in the not-to-exceed amount of \$15,800,000 from the LAX Revenue Fund to WBS Element 1.18.39A-700 (Midfield Satellite Concourse - South).

## **STANDARD PROVISIONS**

The underlying contract was approved as to form by the City Attorney.

Actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373.



August 30, 2024

The Honorable City Council  
of the City of Los Angeles  
(via email)

**Subject:** Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California

Enclosed for your consideration is the Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California that was approved by the Board of Airport Commissioners at its August 15, 2024 meeting. There is no impact to the General Fund.

LAX

Van Nuys

City of Los Angeles

Karen Bass  
Mayor

Board of Airport  
Commissioners

Karim Webb  
President

Matthew M. Johnson  
Vice President

Vanessa Aramayo  
Courtney La Bau  
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Valeria C. Velasco

John Ackerman  
Chief Executive Officer

**RECOMMENDATIONS FOR CITY COUNCIL:**

1. Adopt the determination by said Board that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines; and
2. Approve the Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California, to increase the contract authority by \$11,283,165, for new total not to exceed \$335,703,433, and extend the term through August 9, 2027, covering construction services for the Midfield Satellite Concourse South Project at Los Angeles International Airport; and
3. Concur with said Board's action on August 15, 2024, by Resolution 28015, authorizing the Chief Executive Officer, or designee, of Los Angeles World Airports to execute said Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California.

This document and its attachments are advisory only and do not constitute a complete and official submittal to the City Council. The official submittal, including this document and its attachments, will be submitted electronically to the City Council and the Council File Management System pursuant to Charter Section 373 via the City Clerk's website when the file is complete.

Very truly yours,



Grace Miguel, Commission Executive Assistant II  
BOARD OF AIRPORT COMMISSIONERS

Enclosures

cc: CAO (Airport Analyst), e-file  
CLA (Airport Analyst), e-file



RESOLUTION NO. 28015

WHEREAS, on recommendation of Management, there were presented for approval, Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California to increase the contract authority by \$11,283,165, for new total not to exceed \$335,703,433, and extend the term through August 9, 2027, covering construction services for the Midfield Satellite Concourse South Project at Los Angeles International Airport; a Change Order to said Contract DA-5569, for amount of \$1,657,360 for added construction services; and appropriation of \$15,800,000 for said project; and

**LAX**

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John Ackerman  
Chief Executive Officer

WHEREAS, Los Angeles World Airports (LAWA) is in the midst of a multi-billion-dollar modernization program for Los Angeles International Airport. The overall LAWA program includes terminal renovations and modernizations, and airside improvements. The project is for the new Midfield Satellite Concourse (MSC) South facility, which will contain eight (8) Aircraft Design Group III contact gates and is located just south of the previously completed MSC North facility as part of the West Gates; and

WHEREAS, the apron level spaces were originally contemplated as a grey-shell buildout. The buildout creates a modern operational swing space for temporary airline relocation without compromising customer experience. The Second Amendment will be for assistance with design and for construction services of those spaces, and ancillary needs to support both ground support equipment and operations; and

WHEREAS, due to the complexity and uniqueness of the program, additional time is needed to address Los Angeles Department of Building and Safety code compliance issues with the reviewers. This created a 62-day compensable delay for the contractor and a new Substantial Completion date of October 10, 2025; and

WHEREAS, with said new Substantial Completion date of October 10, 2025, and subsequent close-out activities, the Second Amendment will provide sufficient time for close-out and any other potential additions to the project; and

WHEREAS, the increase in contract authority will provide an allowance for design assistance and construction of the space, as well as an allowance for construction of the ancillary ground support equipment and associated infrastructure; and

WHEREAS, the MSC South Project is programmed in LAWA's 2022 Capital Improvement Plan (CIP), with a direct budget of \$420,949,078, which includes hard costs, owner-carried costs, and contingency. Approval of the Second Amendment will result in no net increase to the CIP; and

WHEREAS, actions taken on this item by the Board of Airport Commissioners will become final pursuant to the provisions of Los Angeles City Charter Section 373;


NOW, THEREFORE, BE IT RESOLVED that the Board of Airport Commissioners adopted the Staff Report; determined that any activity (approval of bids, execution of contracts, allocation of funds, etc.) for which the underlying project has previously been evaluated for environmental significance and processed according to the requirements of the California Environmental Quality Act (CEQA) is exempt from further review pursuant to Article II, Section 2.i of the Los Angeles City CEQA Guidelines, whereas the Midfield Satellite Concourse Environmental Impact Report



was certified by the Board of Airport Commissioners for the project on July 21, 2014 (Resolution 25478); approved the Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California to increase the contract authority by \$11,283,165, for new total not to exceed \$335,703,433, and extend the term through August 9, 2027, covering construction services for the Midfield Satellite Concourse South Project at Los Angeles International Airport; further approved a Change Order to said Contract DA-5569 for amount of \$1,657,360, funded from contingency, for added construction services; further approved appropriation and allocation of not to exceed \$15,800,000 (which includes \$11,283,165 for said Second Amendment, \$2,574,360 in additional contingency, and \$1,942,475 in other Los Angeles World Airports costs) for said project, from the LAX Revenue Fund to WBS Element 1.18.39A-700 (Midfield Satellite Concourse South); authorized the Chief Executive Officer, or designee, to approve and execute change orders, up to a budgeted Owner's Contingency of \$23,989,477 provided that prior to execution of any change order in excess of \$500,000, the Board of Airport Commissioners shall have reviewed and authorized execution thereof, and such authorization shall become final pursuant to City Charter Section 245; and further authorized the Chief Executive Officer, or designee, to execute said Second Amendment to Contract DA-5569 with WE O'Neil Construction Co. of California after approval by the Los Angeles City Council and approval as to form by the City Attorney.

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I hereby certify that this Resolution No. 28015 is true and correct, as adopted by the Board of Airport Commissioners at its Regular Meeting held on Thursday, August 15, 2024.



Grace Miguel – Secretary  
BOARD OF AIRPORT COMMISSIONERS

**SECOND AMENDMENT TO CONTRACT DA-5569  
BETWEEN THE CITY OF LOS ANGELES AND  
W.E. O'NEIL CONSTRUCTION COMPANY OF CALIFORNIA FOR THE  
MIDFIELD SATELLITE CONCOURSE (MSC) SOUTH PROJECT AT  
LOS ANGELES INTERNATIONAL AIRPORT**

THIS SECOND AMENDMENT TO CONTRACT DA-5569, is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by and between the **CITY OF LOS ANGELES** (hereinafter referred to as "City"), a municipal corporation, acting by order of and through its Board of Airport Commissioners (hereinafter referred to as "Board"), and **W.E. O'NEIL CONSTRUCTION COMPANY OF CALIFORNIA**, (hereinafter referred to as "Contractor"),

**RECITALS**

WHEREAS, City's Department of Airports known formally as Los Angeles World Airports ("LAWA") is responsible for the management and administration of this Contract;

WHEREAS, on July 21, 2022, the Board awarded Contract DA-5569 for Construction Manager at Risk ("CMAR") Services for the Midfield Satellite Concourse ("MSC") South Project at Los Angeles International Airport;

WHEREAS, City and Contractor entered into Contract DA-5569 for CMAR Services, with a term of three (3) years, on August 8, 2022 ("Contract Effective Date");

WHEREAS, the Board approved the First Amendment to Contract DA-5569 for CMAR Services on June 15, 2023, to increase the total Not-To-Exceed Contract Amount from eighty-five million eight hundred sixty-three thousand seventy-six dollars (\$85,863,076.00) to three hundred twenty-four million four hundred twenty thousand two hundred sixty-eight dollars (\$324,420,268.00), subject to change order authority.

WHEREAS, City and Contractor entered into the First Amendment to Contract DA-5569 for CMAR Services on June 29, 2023;

WHEREAS, City and Contractor desire now and both agree to amend Contract DA-5569 to extend the term of the contract by two (2) years;

WHEREAS, City and Contractor further desire now and both agree to amend Contract DA-5569 to increase the total Not-To-Exceed Contract Amount by an additional eleven million two hundred eighty-three thousand one hundred sixty-five dollars (\$11,283,165.00), for a total Not-To-Exceed Contract Amount of three hundred thirty-five million seven hundred three thousand four hundred thirty-three dollars (\$335,703,433.00), subject to change order authority;

NOW THEREFORE, in consideration of the premises, and of the terms, covenants and conditions hereinafter contained to be kept and performed by the respective parties hereto, IT IS MUTUALLY AGREED that Contract DA-5569 be amended as follows:

### **AMENDMENT**

**Amendment Section 1.** Section 3.0 of Contract DA-5569, is amended and restated in its entirety to read:

#### **Section 3.0 Term of Contract.**

Notwithstanding any other provision herein, the term of this Contract shall commence on the date of issuance by LAWA to Contractor of a NTP and expire no later than five (5) years from the Contract Effective Date and subject to other termination provisions contained within the Contract Documents. Contractor will be assessed Liquidated Damages as set forth in the Contract Documents if it fails to meet the full construction of the Project, consistent with the intent of the Contract Documents, and as defined in each Phase, subject to LAWA authorized modifications as provided for in the Contract Documents. In addition, Contractor may be assessed Liquidated Damages for failure to meet specific Contract Milestone dates as set forth in the GMP.

**Amendment Section 2.** Section 4.0 of Contract DA-5569, is amended and restated in its entirety to read:

#### **Section 4.0 Contract Amount.**

For all labor, all materials, all equipment and all services rendered, for all costs direct or indirect, and for all expenses incurred by Contractor pursuant to this Contract, and upon satisfactory completion of said Project in a final finished form consistent with the intent of the

Contract Documents, the amount that LAWA may pay to the Contractor under the terms of this Contract, inclusive of Phase 1 and Phase 2, is Not-to-Exceed value of Three Hundred Thirty-Five Million, Seven Hundred Three Thousand, Four Hundred Thirty-Three dollars (\$335,703,433.00), inclusive of the Phase 1 Contract Amount of Eighty-Five Million, Eight Hundred Sixty-Three Thousand, Seventy-Six Dollars (\$85,863,076.00). The basis for billings and payment under this Contract shall be pursuant to the Contract Documents, as provided in Section 1.0, which is incorporated herein by reference. Authorization of the full Not-to-Exceed contract amount is subject to mutually agreed upon Guaranteed Maximum Price (GMP).

**Amendment Section 3.** It is understood and agreed by and between the parties hereto that, except as specifically provided herein, this Second Amendment shall not, in any manner, alter, change, modify or affect any of the rights, privileges, duties or obligations of either of the parties hereto under or by reason of said Contract.

IN WITNESS WHEREOF, the parties hereto have made and executed this Second Amendment to Contract DA-5569 on the day and year first above written.

[Remainder of Page Intentionally Left Blank]

APPROVED AS TO FORM:  
Hydee Feldstein Soto, City Attorney

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy City Attorney

ATTEST:

By: Michael Byrne  
Secretary (Signature)

Michael Byrne  
Print Name

**CITY OF LOS ANGELES**

By signing below, the signatory attests that they have no personal, financial, beneficial, or familial interest in this Contract.

By: \_\_\_\_\_  
Executive Director  
Department of Airports

By: \_\_\_\_\_  
Chief Financial Officer  
Department of Airports

**W.E. O'NEIL CONSTRUCTION COMPANY  
OF CALIFORNIA**

By: Michael Byrne  
Signature

Michael Byrne  
Print Name

Executive Vice President  
Print Title