

Harbor Department
Agreement
City of Los Angeles
20-3533-1A

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

THIS FIRST 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 INC., and TAYLOR MACHINE WORKS, INC. as follows:

1. Section III (B) (1) is amended to read:

"1. March 31, 2022; or"

2. Exhibit A-1 "Schedule of Products and Due Dates" is removed in its entirety and replaced with a Exhibit A Attachment A-1 "Schedule of Products and Due Dates" which is attached hereto and made a part hereof.

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 November 15, 2020 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 First 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: 11/18/2020

By _____
George Lang
GEORGE LANG, PRESIDENT
(Print/type name and title)

Attest _____
Paul
Paul Neal - VP/Gen.
(Print/type name and title)

BYD MOTORS INC.

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 First 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)

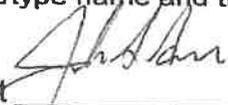
BYD MOTORS INC.

Dated: 11-18-20 _____

By  _____
Aaron Gillmore
c/o Aaron Gillmore, c/o BYD, c/o Electric Truck Division,
North America, email: aaron.gillmore@byd.com, cell: 562.200.1118 10/12/20 08:00

Aaron Gillmore, Vice President - Electric Trucks

(Print/type name and title)

Attest  _____

JOHN GERRA, SR. DIRECTOR

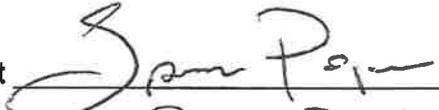
(Print/type name and title)

Signatures continue on next page.

TAYLOR MACHINE WORKS, INC.

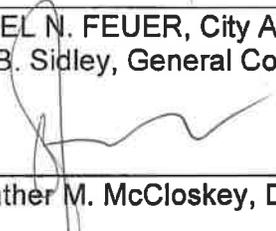
Dated: 11-20-2020

By 
Pete Reynolds CFO
(Print/type name and title)

Attest 
Spencer Pope - Product Manager
(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY

, 2020
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
1.1	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	<u>10/31/2018</u>
		Written determination (CEC)	<u>10/31/2018</u>
		2nd CPR Meeting CPR Report	<u>10/24/2019</u>
		Written determination (CEC)	<u>10/24/2019</u>
1.3	Final Meeting	Written documentation of meeting agreements	<u>1/5/2022</u>
		Schedule for completing closeout activities	<u>1/5/2022</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	<u>12/5/2022</u>
		Draft Final Report (no less than 60 days before the end term of the agreement)	<u>1/5/2022</u>
		Final Report	<u>2/5/2022</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
1.7	Identify and Obtain Required Permits	Letter documenting the permits or stating that no permits are required	9/15/2017
		A copy of each approved permit (if applicable)	Within 10 days of receiving each permit
		Updated list of permits as they change during the term of the Agreement (if applicable)	Within 10 days of change in list of permits
		Updated schedule for acquiring permits as changes occur during the term of the Agreement (if applicable)	Within 10 days of change in schedule for obtaining permits

**Exhibit A
Attachment A-1**

1.8 Obtain and Execute Subcontracts Letter describing the subcontracts needed, or stating that no subcontracts are required	<p align="center"><u>9/15/2017</u></p>
Draft subcontracts	15 days prior to the scheduled execution date
Final subcontracts	Within 10 days of execution
2 PLAN, DESIGN, BUILD AND DEMONSTRATE FIVE ADVANCED CARGO HANDLING EQUIPMENT, INCLUDING ZERO-EMISION TOP HANDLERS AND YARD TRACTORS Equipment Summary Report	<p align="center"><u>1/4/2021</u></p>
3 PLAN, DESIGN AND CONSTRUCT CHARGING INFRASTRUCTURE Construction Summary Report	<p align="center"><u>1/4/2021</u></p>
4 DATA COLLECTION AND ANALYSIS Data collection information and analysis will be provided in the final report (Task 1.5)	<p align="center"><u>1/5/2022</u></p>