

**AMENDMENT NO. 5 TO
AGREEMENT NO. 47071-2 BETWEEN
THE LOS ANGELES DEPARTMENT OF WATER AND POWER
AND
WEBCOR|OBAYASHI|LYLES, A JOINT VENTURE**

Amendment No. 5 (Amendment) to Agreement No. 47071-2 (Agreement) is made and entered into by and between the City of Los Angeles, acting by and through its Department of Water and Power, a municipal corporation (hereinafter "LADWP"), and Webcor|Obayashi|Lyles, a Joint Venture, the Construction Manager at Risk (hereinafter "CMAR Contractor") for the construction of the Silver Lake Reservoir Complex Storage Replacement Project/Headworks Reservoir Project (hereinafter "Project"). Individually, LADWP and CMAR Contractor are referred to under this Amendment as a "Party" and collectively as the "Parties."

WITNESSETH

WHEREAS, LADWP and the CMAR Contractor entered into a contract wherein the CMAR Contractor agreed to provide pre-construction and construction services for the Project; and

WHEREAS, the Agreement provides for amendments; and

WHEREAS, LADWP and the CMAR Contractor are desirous of amending the Agreement for the purpose of extending the termination date of the Agreement from December 31, 2021 to December 31, 2025, and increasing the "General Conditions Cost" to 17 percent of the "Cost of Work"; and

WHEREAS, Amendment is necessary and proper to complete the construction of all four phases authorized under this Agreement.

NOW, THEREFORE, LADWP and the CMAR Contractor agree that the Agreement be amended as follows:

AMENDMENT

1. Section 1.4. **Term of the Contract** is amended to read as follows:

"The CMAR Contractor agrees to begin performing the Work required under this Contract immediately after receiving a Notice to Proceed from LADWP, subject to the provisions contained in the Contract Documents. It is understood and agreed that time is of the essence in the performance of this Contract, and meeting the agreed Contract completion dates. The Contractor's obligation to pay liquidated damages will be based on meeting construction completion dates as established for each Phase Guaranteed Maximum Price and the related liquidated damages amounts. The overall

term of this Contract shall expire not later than December 31, 2025 unless extended by both parties."

2. Section 1.5(B)(1). **Construction Services** is amended to read as follows:

"1. Percentage (%) of the "Cost of Work" for the component of "General Conditions Cost":

| | |
|----------|--------------------------------------|
| Phase 1: | 12.5000% |
| Phase 2: | 12.5000% |
| | 17.0000% (Effective January 1, 2022) |
| Phase 3: | 17.0000% |
| Phase 4: | 17.0000% |

Except as amended herein, all other terms and conditions shall remain in full force and effect.

This Amendment is executed in two duplicate originals, each of which is deemed to be an original. This Amendment includes four pages.

[Signature pages follows]

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment No. 5 to be executed by their duly Authorized Representatives.

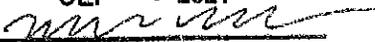
DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES BY
BOARD OF WATER AND POWER COMMISSIONERS

By: _____
MARTIN L. ADAMS
General Manager and Chief Engineer

Date: _____

And: _____
YVETTE L. FURR
Acting Board Secretary

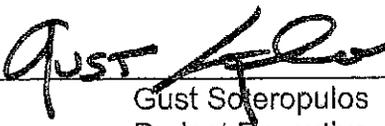
APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

SEP 16 2021
BY 
MARK REUSCH
DEPUTY CITY ATTORNEY

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment No. 5 to be executed by their duly Authorized Representatives.

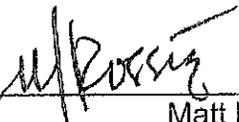
WEBCOR|OBAYASHI|LYLES, A JOINT VENTURE

Date: 9-24-21

By: 
Gust Soteropulos
Project Executive

And

Date: 9-23-2021

By: 
Matt Rossie
Chief Operating Officer