

FIRST AMENDMENT  
TO AGREEMENT NO. C0905  
BETWEEN  
THE ALAMEDA CORRIDOR TRANSPORTATION AUTHORITY  
AND  
CITY OF LONG BEACH

THIS FIRST AMENDMENT to Agreement No. C0905 is made and entered into by the Alameda Corridor Transportation Authority ("ACTA"), acting by and through its Governing Board, and the City of Long Beach, by and through its Board of Harbor Commissioners ("POLB") as follows:

1. Section I, Work to be Completed by ACTA, Paragraph 3 is hereby removed and replaced in its entirety, as follows:

"3. As set forth below ACTA shall perform ACTA's Work by its own forces as well as by utilizing firms under contract to ACTA, including but not limited to, CEQA consultants, ACET, RailWorks Track Services, Inc., and Pacific Railway Enterprises, Inc."

2. Section II, POLB Reimbursement of ACTA Costs, Paragraph 2 is hereby removed and replaced in its entirety, as follows:

"2. The maximum amount payable under this Agreement, unless modified by written amendment, shall be Four Hundred Thirty-One Thousand Two-Hundred Fifty Dollars (\$431,250). ACTA's Chief Executive Officer has delegated authority to transfer funds between Exhibit A-1 Scope of Work line items (but not including Administrative Overhead and Contingency Budget line Items) where there are remaining funds in completed line items, to fund other line items to completion. As needed throughout the term of the Agreement, ACTA and POLB shall agree in writing when and for what line item(s) to utilize the Contingency Budget set forth in Exhibit A-1."

3. Section II, POLB Reimbursement of ACTA Costs, Paragraphs 3 and 4 are hereby removed in their entirety and are not replaced.

4. Section IV, Effective Date and Term, Paragraph 2 is hereby removed and replaced in its entirety, as follows:

"2. This Agreement shall be in full force and effect commencing from the date of ACTA's CEO execution and shall continue until three (3) years have lapsed from the effective date of this Agreement."

5. Exhibit A "Pier B Project Pre-construction Support by ACTA" is hereby removed and replaced in its entirety with Exhibit A-1, "Port of Long Beach Pier B Project ACTA Support for Pre-Construction and Construction Work".

All references to "Exhibit A" throughout the Agreement shall be changed to "Exhibit A-1".

- 6. Section IV, Miscellaneous Provisions, is hereby changed to Section V Miscellaneous Provisions, correcting a drafting error in the Agreement.

Except as amended herein, all remaining terms and conditions of Agreement No. C0905 shall remain in full force and effect.

The effective date of this amendment shall be the date of its execution by ACTA's Chief Executive Officer or his designee.

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IN WITNESS THEREOF, the parties hereto have executed this First Amendment to Agreement No. C0905 on the date to the left of their signatures:

ALAMEDA CORRIDOR  
TRANSPORTATION AUTHORITY

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

By: \_\_\_\_\_

Michael C. Leue, P.E.  
Chief Executive Officer

Attest: \_\_\_\_\_

Secretary

APPROVED AS TO FORM

\_\_\_\_\_, 2023  
HYDEE FELDSTEIN SOTO, Los Angeles City Attorney

By \_\_\_\_\_  
Heather M. McCloskey, Deputy  
ACTA Co-General Counsel

THE CITY OF LONG BEACH, a  
municipal corporation, acting by and  
through its Board of Harbor  
Commissioners

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

By: \_\_\_\_\_

MARIO CORDERO  
Chief Executive Officer  
Long Beach Harbor Department

APPROVED AS TO FORM

\_\_\_\_\_, 2023  
DAWN MCINTOSH, Long Beach City Attorney

By \_\_\_\_\_  
Thomas Y. Oh, Deputy

## Exhibit A - 1

### Port of Long Beach Pier B Project ACTA Support for Pre-Construction and Construction Work

<u>Scope of Work</u>	<u>Estimated Budget</u>
Flagging During Preconstruction	\$ 30,000
Legal CEQA Opinions	\$ 5,000
CEQA Review	\$ 45,000
ACTA Design Review	\$ 30,000
Pier B MOA Administrative Work	\$ 30,000
Flagging During Construction	\$ 60,000
ACTA Notice to Proceed, Construction	\$ 50,000
ACTA Permission to Occupy	\$ 50,000
<u>Administrative Overhead (15%)</u>	<u>\$ 45,000</u>
<u>Total</u>	<u>\$345,000</u>
<u>Contingency</u>	<u>\$ 86,250</u>
Grand Total Not to Exceed	\$431,250