

**AGREEMENT BETWEEN THE CITY OF LOS ANGELES
AND THE CITY OF LONG BEACH**

**ESTABLISHING COSTS TO BE SHARED
UNDER THE CLEAN AIR ACTION PLAN**

HUG ENGINEERING TUG RETROFIT PROJECT

THIS AGREEMENT is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation, acting by and through its Board of Harbor Commissioners, at its meeting of _____, 2012, and the CITY OF LONG BEACH, a municipal corporation, acting through its Board of Harbor Commissioners, at its meeting of _____, 2012.

WHEREAS, the Cities of Los Angeles and Long Beach, acting by their respective Boards of Harbor Commissioners ("Ports") have entered into Los Angeles Agreement No. 2546 / Long Beach Agreement No. HD-7173 ("Master Cost Sharing Agreement") expressing their desire to share the costs of certain contracts related to the San Pedro Bay Ports Clean Air Action Plan; and

WHEREAS, the Ports are interested in sharing the cost of an agreement for the CARB verification of a Hug Engineering retrofit device in accordance with the terms of the Master Cost Sharing Agreement;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The City of Long Beach intends to enter into an agreement with Hug Engineering, Inc., a Texas corporation, to perform a demonstration project to verify the use of a combined diesel particulate filter, diesel oxidation catalyst and selective catalytic reduction system on a Sause Bros. tug.

2. The parties to this Agreement shall contribute to the out-of-pocket expenses of this project in an amount not to exceed \$265,654 and each of the parties shall contribute 50% of this amount. South Coast Air Quality Management District, and Hug Engineering, Inc. are responsible for the remaining costs.

3. The terms and conditions of the Master Cost Sharing Agreement are incorporated by reference into this Agreement and the Ports agree to abide by all the terms and conditions of said agreement.

4. The term of this cost sharing agreement shall be from January 1, 2012 through December 31, 2013.

5. The terms of this cost sharing agreement shall be amended only in writing and signed by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date to the left of their signatures.

THE CITY OF LOS ANGELES HARBOR DEPARTMENT, a municipal corporation, acting by and through its Executive Director of the Harbor Department

Date: _____, 2012

By: _____
Geraldine Knatz, PhD
Executive Director

Attest: _____
Secretary

APPROVED AS TO FORM AND LEGALITY:
CARMEN A. TRUTANICH, City Attorney
THOMAS A. RUSSELL, General Counsel

By: _____
KANN, Deputy

Date: 4/4, 2012

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

Date: _____, 2012

By: _____
J. Christopher Lytle
Executive Director

APPROVED AS TO FORM:
ROBERT E. SHANNON, City Attorney

By: _____
Dominic T. Holzhaus
Principal Deputy

Date: _____, 2012

Account #	<u>59965</u>	W.O. #	_____
Ctr/Div #	<u>330</u>	Job Fac. #	_____
Proj/Prog #	<u>000</u>		
Budget FY:		Amount:	
<u>FY 11/12</u>	<u>73,000</u>		
<u>FY 12/13</u>	<u>59,827</u>		
TOTAL	<u>\$132,827</u>		

For Acct/Budget Div. Use Only:

Verified by: _____
Janet Fernan

Verified Funds Available: _____
[Signature]

Date Approved: 4/2/12