

SECOND AMENDMENT TO AGREEMENT NUMBER C-125493 OF
CITY OF LOS ANGELES CONTRACT
BETWEEN
THE CITY OF LOS ANGELES
AND
THE CITY OF LOS ANGELES HARBOR DEPARTMENT

THIS SECOND AMENDMENT to Agreement Number C-125493 ("Second Amendment") is made and entered into by and between the City of Los Angeles, a municipal corporation (the "City"), and the City of Los Angeles Harbor Department, acting by and through its Board of Harbor Commissioners, a political subdivision of the State of California (the "Subgrantee" or "Subrecipient").

WITNESSETH

WHEREAS, the City and Subrecipient entered into that certain City of Los Angeles Contract Number C-125493 (the "Agreement") related to the Securing the Cities Program Grant provided by the Grantor (as such term is defined in the Agreement) to the City (the "Grant"), whereby the City agreed to reimburse certain expenses incurred by the Subrecipient as a participating agency in the STC Program (as such term is defined in the Agreement) from the Grant allocations for Fiscal Year 12 ("FY 12") and Fiscal Year 13 ("FY 13"), such Agreement having a term of January 1, 2013 to July 14, 2015 with a maximum reimbursement amount from FY 12 and FY 13 Grant funds to Subrecipient in the amount of Eighty-Eight Thousand Nine Hundred Dollars (\$88,900.00), and the execution of said Agreement having been authorized by the Los Angeles City Council (C.F.# 13-1301, dated 11/05/2013); and

WHEREAS, on or about April 22, 2016, the City and the Subrecipient entered into that certain First Amendment to the Agreement ("First Amendment") which increased Subrecipient's maximum reimbursement amount of Grant funds to Two Hundred Ten Thousand Dollars (\$210,000.00) and extended the Agreement performance period to July 14, 2016 to reflect Subrecipient's reimbursement amounts for Fiscal Year 14 and Fiscal Year 15 allocations under the Grant ("FY 14 & 15 Grant Allocation"), such FY 14 & 15 Grant Allocation and First Amendment having been authorized by the Los Angeles City Council (C.F.# 13-1301-S1, dated 01/07/2015, and 01/19/2016); and

WHEREAS, on or about July 14, 2016, the Grantor awarded the City an additional allocation under the Grant for the Fiscal Year 2016 ("FY 16") and extended the Grant performance period for all allocations under the Grant to October 14, 2017 (the "FY 16 Grant Allocation"), such FY 16 Grant Allocation having been accepted by the Los Angeles City Council (C.F.# 13-1301-S2, dated 04/05/2017); and

WHEREAS, on or about July 14, 2016, the Grantor approved the STC Program FY 16 budget such that Subrecipient's maximum reimbursement amount from Grant funds was increased by the amount of Sixteen Thousand Three Hundred Sixty-Five Dollars (\$16,365.00) ("FY 16 Budget"), and resulting in a total maximum reimbursement amount of Grant funds to Subrecipient of Two Hundred Twenty-Six Thousand Three Hundred Sixty-Five Dollars (\$226,365.00), such FY 16 Budget having been authorized by the Los Angeles City Council (C.F.# 13-1301-S2, dated 04/05/2017); and

WHEREAS, Section 502 of the Agreement provides for amendments to the Agreement;
and

WHEREAS, the City, through its Office of the Mayor, Office of Public Safety ("Mayor's Office"), which has been designated by the City to administer the Agreement and the projects contemplated therein, and Subrecipient each desires to enter into this Second Amendment for the purpose of amending and/or modifying the Agreement to (a) extend the term of the Agreement to reflect the FY 16 Grant Acceptance, (b) adjust Subrecipient's maximum reimbursement amount of Grant funds under the Agreement to reflect the FY 16 Budget, and (c) make such other changes as are required in connection with the foregoing, all as detailed elsewhere in this Second Amendment and as authorized by the Los Angeles City Council (C.F. 13-1301-S2, dated 04/05/2017); and

WHEREAS, this Second Amendment is necessary and proper to continue and/or complete certain activities authorized under the Agreement.

NOW, THEREFORE, the City and Subrecipient hereby covenant and agree that the Agreement, as previously amended, be further amended, effective July 14, 2016, as follows:

1. Section 201 of the Agreement entitled "Performance Period" is hereby amended in its entirety to read as stated within the quotation marks in the following paragraph:

"The term of this Agreement shall be from January 1, 2013 and end October 14, 2017 (the "Term"). Subrecipient shall cooperate with the City and Grantor in completing any necessary close out activities in connection with the Grant."

2. Paragraph A of Section 301 of the Agreement entitled "Reimbursement of Grant Funds and Method of Payment" is hereby amended in its entirety to read as stated within the quotation marks in the following paragraph:

"The City of Los Angeles shall reimburse Subrecipient from Grant funds for personnel expenses incurred by Subrecipient in connection with STC Program training and exercise activities as described in Section 202 above. Such reimbursement shall, in no event, exceed Two Hundred Twenty-Six Thousand Three Hundred Sixty-Five Dollars (\$226,365.00), which represents the maximum reimbursement amount allocated to Subrecipient and approved by the Mayor's Office and the Grantor for Grant allocations for Fiscal Year 2012, 2013, 2014, 2015 and 2016."

Such amendment amends Subrecipient's maximum reimbursement amount from Grant funds to include the FY 16 Grant funds allocations as set forth in the FY 16 Budget.

3. In addition to the provisions, terms and conditions set forth in the Agreement, as previously amended, Subrecipient hereby further agrees as follows:

Subrecipient acknowledges that the Grant funds disbursed under the Agreement, as amended, is a "Federal award" as such term is defined in 2

CFR §200.38 and that Subrecipient's use of such Grant funds is subject to the uniform administrative requirements, cost principles, and audit requirements for Federal awards which are codified in 2 CFR Part 200 (the "Uniform Requirements"). Subrecipient agrees that it is considered a "non-Federal entity" and a "subrecipient" as such terms are defined in 2 CFR §§200.69 and 200.93, respectively. Thus, Subrecipient hereby agrees to comply with, and be subject to, all provisions, regulations and requirements applicable to a "subrecipient" and a "non-Federal entity" as set forth in the Uniform Requirements. Further, Subrecipient agrees that the City is a "pass-through entity" as such term is defined in 2 CFR §200.74 and that the City shall have the rights and remedies of a "pass-through entity" in relation to this Grant and Subrecipient as set forth in the Uniform Requirements.


4. Except as herein amended or modified, all terms and conditions of the Agreement, as previously amended, shall remain unchanged and in full force and effect by way of this Second Amendment.
5. This Second Amendment may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. This Second Amendment includes four pages which constitute the entire understanding and agreement of the parties with respect to the matters set forth herein.

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IN WITNESS WHEREOF, the City and Subrecipient have caused this Second Amendment to be executed by their duly authorized representatives.

<p>APPROVED AS TO FORM: MICHAEL N. FEUER, City Attorney</p> <p>By _____ Deputy City Attorney</p> <p>Date _____</p>	<p>For: THE CITY OF LOS ANGELES ERIC GARCETTI, Mayor</p> <p>By: _____ Eric Garcetti, Mayor</p> <p>Date: _____</p>
<p>ATTEST:</p> <p>HOLLY L. WOLCOTT, City Clerk</p> <p>By _____ Deputy City Clerk</p> <p>Date _____</p>	
<p>APPROVED AS TO FORM AND LEGALITY: MICHAEL N. FEUER, City Attorney JANNA B. SIDLEY, General Counsel</p> <p>By  Deputy City Attorney</p> <p>Date <u>August 16, 2017</u></p>	<p>For: THE CITY OF LOS ANGELES HARBOR DEPARTMENT, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS</p> <p>By _____ Name: _____ Title: _____ Date: _____</p>
<p>ATTEST</p> <p>By _____ Secretary</p> <p>Date _____</p>	

City Business License Number: _____
Internal Revenue Service ID Number: _____
Council File/OARS File Number: 13-1301-S2 Date of Approval: 1/7/15, 01/19/16 & 04/05/17
City Contract Number: C-125493
CFDA: 97.106
FAIN: 2012-DN-106-00001-04