

FIRST AMENDMENT TO AGREEMENT NO. 10-2930
BETWEEN THE CITY OF LOS ANGELES
AND
ANCON MARINE

Agreement No. 10-2930 granted to ANCON MARINE is hereby amended a First time as follows:

1. Section 5, COMPENSATION, of AGREEMENT No. 10-2930 is amended as follows:

Section 5.1 is amended by deleting "Two Million Dollars (\$2,000,000)" and inserting in its place "Two Million Three Hundred Seventy Five Thousand Dollars (\$2,375,000)".

2. Section 13, SMALL BUSINESS DEVELOPMENT PROGRAM, is amended by replacing Exhibit N, with the new Exhibit N attached hereto.

Except as amended herein, as previously amended, all remaining terms and conditions of Agreement No. 10-2930 shall remain the same.

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IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement No. 10-2930 on the date to the left of their signatures.

THE CITY OF LOS ANGELES, by its Board of Harbor Commissioners

Dated: _____

By _____
Executive Director

Attest _____
Board Secretary

ANCON MARINE

Dated: 6-12-13

By _____
Jalle Hardin Project Manager
(Type/Print Name and Title)

Attest _____
Mary-Jo Olsson Executive Vice President
(Type/Print Name and Title)

APPROVED AS TO FORM AND LEGALITY

_____, 2013
CARMEN A. TRUTANICH, City Attorney
JANNA B. SIDLEY, General Counsel

By _____
CHRISTOPHER B. BOBO, Assistant

Account #	54260	W.O. #	11111
Ctr/Div #	0330	Job Fac. #	111-11
Proj/Prog #	000		
Budget			
FY:		Amount:	
	2012/13		\$0
	2013/14		\$375,000
	TOTAL		\$375,000
For Acct/Budget Div. Use Only:			
Verified by: _____			
Verified Funds Available: _____			
Date Approved: _____			

CBB/aeb
06/04/13

will verify the status of all SBEs. In addition, prior to being awarded a contract with the Harbor Department, all contractors and subcontractors must be registered on LABAVN.

AFFIDAVIT OF COMPANY STATUS

"The undersigned declares under penalty of perjury pursuant to the laws of the State of California that the following information and information contained on the attached Contractor Description Form is true and correct and include all material information necessary to identify and explain the operations of

Ancon Marine

Name of Firm

as well as the ownership thereof. Further, the undersigned agrees to provide either through the prime consultant or, directly to the Harbor Department, complete and accurate information regarding ownership in the named firm, any proposed changes of the ownership and to permit the audit and examination of firm ownership documents in association with this agreement."

Please indicate the ownership of your company: SBE VSBE MBE WBE DVBE OBE

- A Small Business Enterprise (SBE) is an independently owned and operated business that is not dominant in its field and meets criteria set forth by the Small Business Administration in Title 13, Code of Federal Regulations, Part 121.
- A Very Small Business Enterprise (VSBE) is 1) a small business that has average annual gross receipts of \$3,500,000 or less within the previous three years, or (2) a small business manufacturer with 25 or fewer employees.
- A Minority Business Enterprise (MBE) is defined as a business in which a minority owns and controls at least 51% of the business. A Woman Business (WBE) is defined as a business in which a woman owns and controls at least 51% of the business. For the purpose of this project, a minority includes:
 - (1) Black (all persons having origins in any of the Black African racial groups not of Hispanic origin);
 - (2) Hispanic (all persons of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish Culture or origin, regardless of race);
 - (3) Asian and Pacific Islander (all persons having origins in any of the original peoples of the Far East, Southeast Asia, The Indian Subcontinent, or the Pacific Islands); and
 - (4) American Indian or Alaskan Native (all persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification).
- A Disabled Veteran Business Enterprise (DVBE) is defined as a business in which a disabled veteran owns at least 51% of the business, and the daily business operations are managed and controlled by one or more disabled veterans.
- An OBE (Other Business Enterprise) is any enterprise that is neither an SBE, VSBE, MBE, WBE, or DVBE.

Signature _____
Printed Name Jake Hardin

Title Project Manager
Date Signed 6-12-13

NOTARY

On this 12th day of June, 2013, before me appeared Jake Hardin to me personally known, who being duly sworn, did execute the

Name _____
foregoing affidavit, and did state that he/she was properly authorized by Ancon Marine

Name of Firm

to execute the affidavit and did so as his or he free act and deed.

SEAL

Notary Public Wendy Torres
Commission Expires Apr 5, 2017



EXHIBIT N – SMALL BUSINESS ENTERPRISE PROGRAM

The City of Los Angeles Harbor Department is committed to creating an environment that provides all individuals and businesses open access to the business opportunities available at the Harbor Department in a manner that reflects the diversity of the City of Los Angeles. The Harbor Department's Small Business Enterprise (SBE) Program was created to provide additional opportunities for small businesses to participate in professional service and construction contracts. An overall Department goal of 25% SBE participation, including 5% Very Small Business Enterprise (VSBE) participation, has been established for the Program. The specific goal or requirement for each contract opportunity may be higher or lower based on the scope of work.

It is the policy of the Harbor Department to solicit participation in the performance of all service contracts by all individuals and businesses, including, but not limited to, SBEs, VSBEs, women-owned business enterprises (WBEs), minority-owned business enterprises (MBEs), and disabled veteran business enterprises (DVBES). The SBE Program allows the Harbor Department to target small business participation, including MBEs, WBEs, and DVBES, more effectively. It is the intent of the Harbor Department to make it easier for small businesses to participate in contracts by providing education and assistance on how to do business with the City, and ensuring that payments to small businesses are processed in a timely manner. **In order to ensure the highest participation of SBE/VSBE/MBE/WBE/DVBES, all proposers shall utilize the City's contracts management and opportunities database, the Los Angeles Business Assistance Virtual Network (LABAVN), at <http://www.labavn.org>, to outreach to potential subcontractors.**

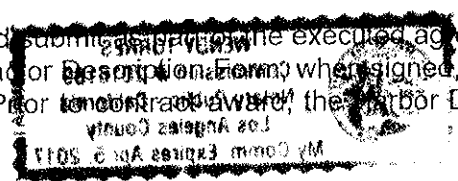
The Harbor Department defines a SBE as an independently owned and operated business that is not dominant in its field and meets criteria set forth by the Small Business Administration in Title 13, Code of Federal Regulations, Part 121. Go to www.sba.gov for more information. The Harbor Department defines a VSBE based on the State of California's Micro-business definition which is 1) a small business that has average annual gross receipts of \$3,500,000 or less within the previous three years, or (2) a small business manufacturer with 25 or fewer employees.

The SBE Program is a results-oriented program, requiring consultants who receive contracts from the Harbor Department to perform outreach and utilize certified small businesses. **Based on the work to be performed, it has been determined that the percentage of small business participation will be 10% for non-emergency services, including ___% VSBE participation.** Emergency response services provided under the agreement will be exempt from this requirement. The North American Industry Classification System (NAICS) Code for the scope of services is _____. This NAICS Code is the industry code that corresponds to at least 51% of the scope of services and will be used to determine the size standard for SBE participation of the Prime Consultant. The maximum SBE size standard for this NAICS Code is \$_ million.

Consultant shall be responsible for determining the SBE status of its subconsultants for purposes of meeting the small business requirement. Subconsultants must qualify as an SBE based on the type of services that they will be performing under the Agreement. All business participation will be determined by the percentage of the total amount of compensation under the agreement paid to SBEs. The Consultant shall not substitute an SBE firm without obtaining prior approval of the City. A request for substitution must be based upon demonstrated good cause. If substitution is permitted, Consultant shall endeavor to make an in-kind substitution for the substituted SBE.

In the event of Consultant's noncompliance during the performance of the Agreement, Consultant shall be considered in material breach of contract. In addition to any other remedy available to City under this Agreement or by operation of law, the City may withhold invoice payments to Consultant until noncompliance is corrected, and assess the costs of City's audit of books and records of Consultant and its subconsultants. In the event the Consultant falsifies or misrepresents information contained in any form or other willful noncompliance as determined by City, City may disqualify the Consultant from participation in City contracts for a period of up to five (5) years.

Consultant shall complete, sign, notarize (where applicable) and submit to the Harbor Department the executed agreement the attached Affidavit and Contractor Description Form. The Contractor Description Form, when signed, will signify the Consultant's intent to comply with the SBE requirement. Prior to contract award, the Harbor Department



Contractor Description Form

PRIME CONTRACTOR

Contract #: _____ Award Date: _____ Contract Term: _____
Contract Title: Emergency Response and Hazardous Waste Management Services
Business Name: Ancon Marine Award Total: \$ _____
Owner's Ethnicity: N/A Gender N/A Group: SBE VSBE MBE WBE DVBE OBE (Check all that apply)
Primary NAICS Code: 562910 Average Three Year Gross Revenue: \$ 45,400,000.00
562112
Address: 18518 S. Susana Rd.
City/State/Zip: Rancho Dominguez, CA. 90221
Telephone: (310) 522-5110 FAX: (310) 522-5158
Contact Person/Title: Jake Hardin/Project Manager
Email Address: jakeh@anconmarine.com

SUBCONTRACTOR

Business Name: Pacific Edge Engineering, Inc. Award Total: \$ _____
Services to be provided: Environmental Consulting
Owner's Ethnicity: N/A Gender N/A Group: SBE VSBE MBE WBE DVBE OBE
(Check all that apply)
Primary NAICS Code: 541330 Average Three Year Gross Revenue: \$ 800,000.00
Address: 26431 Crown Valley Parkway.
City/State/Zip: Mission Viejo, CA. 92691
Telephone: (949) 230-6056 FAX: () _____
Contact Person/Title: Tabb Bubier
Email Address: tbubier@pacificedge-eng.com

SUBCONTRACTOR

Business Name: California Asbestos Consultants Award Total: \$ _____
Services to be provided: Asbestos and Lead Over Site/Testing/Consulting
Owner's Ethnicity: N/A Gender N/A Group: SBE VSBE MBE WBE DVBE OBE
(Check all that apply)
Primary NAICS Code: 541620 Average Three Year Gross Revenue: \$ 272,004.00
541350
Address: PO Box 548
City/State/Zip: Manhattan Beach, CA. 90267
Telephone: (562) 307-0744 FAX: () _____
Contact Person/Title: Dan Beck/Owner
Email address: Danielbeck73@yahoo.com