

FIRST AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT, CITY OF LOS ANGELES AND TRAPAC APPELLANTS REGARDING THE INSTALLATION AND MAINTENANCE OF AIR FILTRATION SYSTEMS IN WILMINGTON SCHOOLS

This First Amendment to the Memorandum of Agreement ("MOA" or "Agreement"), is dated for reference purposes as of March 24, 2015, by and among the South Coast Air Quality Management District, a government agency ("SCAQMD"), all of those TraPac Appellants that signed the Agreement, listed in Exhibit A to the Agreement, and the City of Los Angeles, a municipal corporation, acting by and through its Board of Harbor Commissioners ("City").

RECITALS

1. Approximately 15 schools had filtration systems installed in late 2014 and the first quarter of 2015. A five year operation and maintenance period is required for each school,
2. The Parties desire to extend the term of the Agreement for an additional 5 years, to May 6, 2020.

In consideration of the foregoing, and the mutual undertaking contained herein, the Parties hereby agree as follows.

1. Term. The Term of this Agreement is hereby extended from May 6, 2015 to May 6, 2020.
2. Schedule. Exhibit G ("Schedule of Events/Milestones") is deleted and replaced with the Exhibit G attached hereto.

Except as amended herein, all remaining terms and conditions of the Agreement shall remain unmodified and shall remain in full force and effect.

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

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

By: \_\_\_\_\_  
Barry Wallerstein, Executive Officer

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

APPROVED AS TO FORM:  
Kurt Wiese, General Counsel

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

Date: 4/15/15

CITY OF LOS ANGELES  
a municipal corporation, acting by and through  
its Board of Harbor Commissioners

By: \_\_\_\_\_  
Gene Seroka, Executive Director

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

APPROVED AS TO FORM:  
MICHAEL N. FEUER,  
Los Angeles City Attorney

By: \_\_\_\_\_  
Joy Crose, Assistant General Counsel

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

APPELLANTS:

By: \_\_\_\_\_  
David Pettit  
Natural Resources Defense Council

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

By: \_\_\_\_\_  
Colleen Callahan  
Manager of Air Quality Policy and Advocacy  
American Lung Association of California

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

By: \_\_\_\_\_  
Greg Tarpinian, Executive Director  
Change to Win

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

By: \_\_\_\_\_  
Jesse Marquez, Executive Director  
Coalition for a Safe Environment

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

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Martin Schlageter  
Campaign and Advocacy Director  
Coalition for Clean Air

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Shana Lazerow, Attorney  
Communities for a Better Environment

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Rupal Patel, Director  
Communities for Clean Ports

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Jim Stewart  
Earth Day LA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Lillian Light, President  
Environmental Priorities Network

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Frank O'Brien, Executive Director  
Harbor Watts Economic Development Corporation

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chuck Mack  
International Vice President and Port Division Director  
International Brotherhood of Teamsters

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Katherine Attar  
Health and Environment Program Coordinator  
Physicians for Social Responsibility

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Andy Mardesich, President  
San Pedro and Peninsula Homeowners Coalition

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Tom Politeo, Co-Chair  
Sierra Club Harbor Vision Task Force

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kathleen Woodfield

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chuck Hart

**Exhibit A**  
**List of Appellants that are party to this MOA**

Natural Resources Defense Council  
American Lung Association of California  
Change to Win  
Coalition for a Safe Environment  
Coalition for Clean Air  
Communities for a Better Environment  
Communities for Clean Ports  
Earth Day LA  
Environmental Priorities Network  
Harbor Watts Economic Development Corporation  
International Brotherhood of Teamsters  
Physicians for Social Responsibility  
San Pedro and Peninsula Homeowners Coalition  
Sierra Club Harbor Vision Task Force  
Kathleen Woodfield  
Chuck Hart

## Exhibit G (revised)

### Schedule of Events/Milestones

The following shall occur at or after MOA execution by the SCAQMD Governing Board:

	<u>From Date of MOA Execution</u>
Release RFP for air filtration installation and maintenance	Execution
Proposals due for RFP	2 months
Select contractor	3 months
Approval of contractor by Governing Board	4 months
Contract execution with contractor	6 months
School selection process for initial assessments	7-9 months
Gain access to schools	7-9 months
Contractor conducts initial round of school assessments (up to 10)	9-12 months
SCAQMD selects schools to receive filtration	12 months
Contractor installs filtration based on list of selected schools (up to 8)	13-24 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	16-27 months
SCAQMD conducts post implementation PM monitoring (3, 6, 9, 12 months post installation at each school)	16-36 months
<i>Schools are selected to receive feasibility assessments, and based on assessment results, schools will be selected to receive air filtration systems. Contractor trains school maintenance staff on ongoing maintenance. SCAQMD conducts PM monitoring. This cycle is repeated as necessary: new schools will receive feasibility assessments and air filtration systems until funds are spent. The Schedule assumes three rounds of assessment and implementation, but can be repeated as necessary.</i>	
SCAQMD reviews post implementation reports and data,	
School selection process for assessments	22-24 months

Contractor conducts school assessments (up to 10)	24-26 months
SCAQMD selects schools to receive filtration	26 months
Contractor installs filtration based on list of selected schools (up to 8)	27-36 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	30-39 months
AQMD conducts post implementation PM monitoring (3, 6, 9, 12 months post installation at each school)	30-48 months
AQMD reviews post implementation reports and data School selection process for assessments	34-36 months
Contractor conducts school assessments (up to 10)	36-38 months
AQMD selects schools to receive filtration	38 months
Contractor installs filtration based on list of selected schools (up to 8)	39-48 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	42-51 months
AQMD conducts post implementation PM monitoring (3, 6, 9, 12 months post installation at each school)	42-60 months
Execute contract amendment with contractor	61 months
Contractor works on training of school maintenance staff (3 months post installation at each school)	63-66 months
SCAQMD conducts post implementation PM monitoring (12-18 months post installation at each school)	78-84 months
SCAQMD reviews post implementation reports and data	63-84 months
Contractor provides maintenance filters to schools	Ongoing through year 10
<u>Reporting Schedule:</u>	
Updates, oral or written, to Parties	Quarterly, as needed
Written reports	Annually
Final report	Project completion