



MODIFICATION TO CONTRACT

This modification consists of 17 pages.

1. RECITALS

- A. The South Coast Air Quality Management District (hereinafter "SCAQMD") and City of Los Angeles, a municipal corporation acting by and through its Board of Harbor Commissioners (referred to here as "CITY") have previously executed a Contract No. 12234 to install grid-based shore power systems at ten (10) berths at the Port of Los Angeles under the Proposition 1B Goods Movement Program; and modified by Contract No. 122341 to incorporate CARB revisions to their Guidelines and Supplemental Procedures.
- B. CITY, SCAQMD and CARB met to discuss revising the deadlines for post inspections and invoice submissions. 60% of the berths will be post-inspected by June 30, 2014 and the remaining berths by September 30, 2014. The deadline for submitting invoices will be changed from March 31, 2014 to March 31, 2015. Therefore, a modification to this Contract is necessary to modify the Statement of Work, the Project Schedule and the Payment Schedule.

2. MODIFICATION - The parties therefore agree to modify the existing Contract, at no additional cost to SCAQMD as follows:

- A. Attachment 1 - Amendment #2- Statement of Work, attached hereto and included herein by this reference, supersedes the original Statement of Work and any modifications thereof.
- B. Attachment 1A – Amendment #2 – Project Schedule attached hereto and included herein by this reference, supersedes the original Project Schedule and any modifications thereof.
- C. Attachment 2 - Amendment #2 – Payment Schedule, attached hereto and included herein by this reference, supersedes the original Payment Schedule and any modifications thereof.
- D. All other provisions of the above-referenced Contract shall remain in full force and effect.

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SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

CITY OF LOS ANGELES, A MUNICIPAL CORPORATION
ACTING BY AND THROUGH ITS BOARD OF HARBOR
COMMISSIONERS

By: _____
Barry R. Wallerstein, D. Env., Executive Officer

By: _____
Executive Director

Date: _____

Date: _____

Attest: _____
Board Secretary

APPROVED AS TO FORM:
Kurt R. Wiese, General Counsel

APPROVED AS TO FORM:

By:  _____

By:  _____
Helen J. Sok, City Attorney

//Prop 1B Modification
Revised September 18, 2013

ATTACHMENT 1 – AMENDMENT #2

STATEMENT OF WORK PORT LOS ANGELES FY 2008-09

PROPOSITION 1B: GOODS MOVEMENT EMISSION REDUCTION PROGRAM

This Contract is for the installation of grid-based, shore power systems at ten (10) berths at the Port of Los Angeles. CITY agrees to install all necessary electrical equipment and infrastructure, to allow ships at these 10 berths to shutdown their auxiliary engines and plug into grid-based electricity. Each berth shall be equipped with a shore power outlet capable of supplying electrical power to a ship. The Projects are expected to result in significant reductions of nitrogen oxides (NOx) and particulate matter (PM) emissions during the life of the project. The Project life is defined by this contract in accordance with the Proposition 1B – Goods Movement Emission Reduction Program as ten (10) years.

CITY shall adhere to all applicable requirements of the Proposition 1B – Goods Movement Emission Reduction Program Guidelines (“Guidelines”), including the Supplemental Procedures for Ships at Berth and Cargo Handling Equipment Projects as revised (“Supplemental Procedures”) throughout the Project life, as well as comply with all applicable local, state and federal laws relating to the installation and construction of the shore power system(s). Unless otherwise noted, each “berth” listed in the Contract is considered a separate, discrete Project for purposes of eligibility, scheduling, performance, tracking, non-performance, recovered funds, costs, expenditures and disbursement. Two or more Program-funded berths may not be combined into one project unless specified within this Contract. CITY agrees to perform the following tasks:

Task 1: Project Design, Approvals and Schedule

- 1.1 CITY shall provide a copy of the final design, including engineering drawings and specifications, to SCAQMD.
- 1.2 CITY shall provide a copy to SCAQMD of all permits and/or approvals required to construct and install the shore power systems.
- 1.3 CITY shall provide a copy to SCAQMD within 10 days of execution of all of its agreements and amendments pertaining to the materials/equipment acquisition, construction and installation of the shore power systems.
- 1.4 CITY shall adhere to the Project Schedule provided in Attachment 1A, attached here and incorporated here by reference.
- 1.5 CITY may update the Project Schedule in Attachment 1A after Contract execution provided the schedule updates are submitted to SCAQMD by no later than August 31, 2012. Any changes to the Project Schedule after this update must support the timely completion of the Project(s) and receive approval from the SCAQMD and CARB, which will not be unreasonably withheld. Any such further revisions which change key milestones dates and/or Project Completion Date shall require amendment(s) to

the Contract, and authority to execute such amendment(s) is hereby delegated to the Executive Director of CITY.

- 1.6 CITY shall submit a Schedule Recovery Plan to SCAQMD within 15 working days if one of the following occurs: (A) one or more berths fail to meet a key milestone date listed in Attachment 1A – Project Schedule (as revised), or (B) CITY or SCAQMD becomes aware of a change that will cause one or more of the berths to miss the Project Completion Date listed in the Project Schedule (as revised).
- 1.7 CITY shall include the following items in the Schedule Recovery Plan:
 - A. A narrative description of the cause(s) of adverse schedule impacts, including a list of all schedule activities and milestone dates affected,
 - B. A narrative description of schedule recovery actions that have been and/or will be implemented to minimize or eliminate future schedule impacts, and
 - C. An updated, comprehensive schedule with milestone dates that support timely project completion.
- 1.8 CITY shall submit the Schedule Recovery Plan for review and approval by SCAQMD and provide a copy to CARB. If the updated Project Completion Date would delay the year of completion, the plan must also be approved by CARB. To maintain eligibility for Program funds, the project must be on schedule or operating under an approved Schedule Recovery Plan. If the CITY fails to meet the commitments in the approved Schedule Recovery Plan, the SCAQMD may immediately terminate the commitment to fund the affected berth(s).
- 1.9 CITY shall install, and shall demonstrate that the shore power system at each berth is fully operational, by no later than the Project Completion Date listed in Attachment 1A – Project Schedule, unless an extension has been requested by CITY and approved by SCAQMD and CARB in accordance with the Supplemental Procedures. Each berth project shall be considered fully operational after completing and passing the post-inspection by SCAQMD, and after submittal to SCAQMD of all the required documentation. If there is no available ship capable of plugging into the shore power system so as to complete the post-inspection by the Project Completion Date, CITY may conduct a load bank test pursuant to Tasks 3.4 and 3.5⁷ by the Project Completion Date to demonstrate that the shore power system is complete and operational, but only for the purpose of maintaining the funding level for the berth project.¹
- 1.10 If CITY plans to demonstrate that a berth is complete and operational by December 31, 2013 by using a load bank test, CITY shall submit to CARB and SCAQMD a post-inspection schedule for each berth project that complies with the post-inspection deadline specified in Task 3.4. Updates to this schedule shall be submitted to CARB and SCAQMD at least 15 calendar days prior to the end of the calendar quarter.

¹ The funding level awarded to CITY is 50% of eligible shore-side costs or the total grant funds awarded to each berth as identified in Table 4 of Attachment 2, whichever is less, for completed projects that begin operation by January 1, 2014.

- 1.11 CITY shall design and implement a targeted outreach program to encourage California small businesses to participate in the construction, alteration, demolition, repair, or improvement of the project(s) funded under this Contract. CITY shall submit to the SCAQMD as part of CITY's first annual report a summary of its small business outreach activities under this Contract.

Task 2: Equipment & Services

- 2.1 CITY is responsible for maintaining (or causing to maintain) Program-funded materials/equipment in good operating condition and according to manufacturer's recommendations.
- 2.2 CITY shall demonstrate proof of equipment warranty and insurance (including self-insurance) on all materials/equipment associated with the shore power system, as applicable.

Task 3: Inspections

- 3.1 CITY shall ensure that the Site is available for SCAQMD to complete a Site pre-inspection in accordance with Clause 12 of this Contract.
- 3.2 CITY shall make a timely request to SCAQMD to conduct a post-inspection, which must be conducted by the Project Completion Date unless an extension has been granted to complete the Project pursuant to Task 3.3 or CITY is conducting a load bank system test in lieu of a post-inspection by the Project Completion Date pursuant to Tasks 3.4 and 3.57. CITY shall ensure the shore power system at each berth is available for SCAQMD to complete a post-inspection in accordance with Clause 13 of this Contract. During the post-inspection, CITY shall demonstrate to the SCAQMD inspector that the system is fully operational and in proper working order by connecting a ship to the shore power system at the designated berth and enabling the ship to draw power from grid-based electricity while the on-board engines are turned off. This demonstration must be witnessed by SCAQMD at the time of the post-inspection.
- 3.3 In accordance with Section II of the Supplemental Procedures, the CITY may request a Post-2013 extension of one year in exchange for a 10% reduction in Program funding for any affected Project. The initial request must be submitted to SCAQMD by October 31, 2013. A final written request along with additional documentation as requested by SCAQMD must be submitted by January 31, 2014. SCAQMD and CARB will evaluate the final written request and documentation based on criteria including but not limited to the CITY's current progress toward completing Project tasks and the CITY's proposal to complete all remaining Project tasks by December 31, 2014.
- 3.4 If there is no available ship capable of plugging into the shore power system so as to allow the completion of the post-inspection by the Project Completion Date, CITY may perform a load bank system test as an alternative to demonstrate that the shore power system is complete and operational by the Project Completion Date, but only for the purpose of maintaining the funding level for the berth project. If CITY

successfully completes the load bank test by the Project Completion Date, CITY must still successfully complete the post-inspection (by demonstrating that the system is fully operational and in proper working order pursuant to Task 3.2) for each berth project ~~at least 30 calendar days prior to the “liquidation deadline,” as specified in the latest amendment to the Grant Agreement between CARB and SCAQMD, to be eligible for funding under this Contract. City’s request that the “liquidation deadline” be either late 2015 or early January of 2016 has been forwarded to CARB for its consideration~~ in accordance with the deadlines detailed in the Table below.

Table 1: Successful Post-Inspection Completion Deadlines

<u>Deadlines</u>	<u>Number of Unique Berths</u>
<u>June 30, 2014</u>	<u>At least 6</u>
<u>September 30, 2014</u>	<u>Remainder of funded berths</u>

3.5 For berths that have not completed a successful post-inspection by June 30, 2014 (pursuant to Table 1 above), CITY shall submit to CARB and SCAQMD an update to the post-inspection completion schedule for those berths by August 31, 2014. This update shall include, but not be limited to, information regarding details of any delays in ships being available to demonstrate a successful plug-in for low-use berths.

3.43.6 Any request for extension to either of the deadlines in Table 1 must be submitted in writing to CARB and SCAQMD prior to September 1, 2014. Approval or disapproval of any request submitted by the CITY, will be provided within 30 days of receipt. The approved extension may not be later than December 31, 2014.

3.53.7 The load bank system test must be completed in accordance with the Proposition 1B: Goods Movement Emission Reduction Program, Ships at Berth, Grid-Based Shore Power System Test Procedures approved by SCAQMD and CARB on April 24, 2013 (See Attachment 3).

3.63.8 To successfully complete the load bank system test, CITY must perform the following actions for each berth:

3.86.1 City must notify SCAQMD at least 7 calendar days prior to the load bank test date and allow SCAQMD the opportunity to witness the test.

3.86.2 City must adhere to the final load bank test procedures as approved by SCAQMD and CARB.

3.86.3 City shall submit to SCAQMD a completed and signed Shore Power Load Bank Test Statement of Compliance (“Statement of Compliance”) (form approved by SCAQMD and CARB in April 2013, see Attachment 3), within 10 calendar days of the load bank system test.

3.86.4 City must submit test data and any other information requested by SCAQMD, in accordance with the Statement of Compliance, within 60 days of the load bank test.

3.86.5 Any additional test-related information requested by SCAQMD after the load bank system test shall be submitted within 60 days of the request.

3.86.6 The load bank system test must be successfully completed no later than December 31, 2013.

3.73.9 Berth projects must successfully pass the post-inspection in order to be eligible for funding under this Contract. Thus, (a) failure to complete the post-inspection or the load bank system test by the Project Completion Date without obtaining the one year extension pursuant to Task 3.3, or (b) failure to complete the post-inspection ~~at least 30 calendar days prior to the "liquidation deadline,"~~ deadlines as specified in the latest amendment to the Grant Agreement between CARB and SCAQMD Table 1 (above), after CITY completes the load bank system test, will result in CITY's forfeiture of Contract funds for the berth project.

Task 4: Operation of the Shore Power Projects

- 4.1 CITY shall commit to operating the shore power system at each berth for a minimum of ten (10) years. The 10-year project life begins at the time the system completes and passes the post-inspection by SCAQMD.
- 4.2 CITY shall commit to using the shore power system at each berth for a minimum period of 10 years at the following Required Usage Levels or greater:

Table 42: Required Usage Levels

Averaging Period	Required Usage Levels
2014-2016	60%
2017-2019	80%
2020-end of project life	90%

- 4.3 Compliance with the Required Usage Levels in Table 42 will be determined by taking the actual number of ship visits connected to the shore power system at each berth as a percentage of the total ship visits to that berth during the applicable averaging period. A ship "visit," as defined in CARB's shore power regulations, must comply with the limits of hours of operation set forth in CARB's shore power regulations (Title 17 CCR § 93118.3) in order to count toward the Required Usage Levels. Total ship visits shall be defined in accordance with Task 4.4 below. If the percentage of ship visits connected to the grid-based shore power at the funded berth does not meet or exceed the Required Usage Levels starting with the averaging period of 2014-2016, CITY must return a portion of the Program funds to SCAQMD, in the amount calculated pursuant to Section V.C. of the Supplemental Procedures. CITY shall return the calculated amount to SCAQMD within 60 days of the date of the written notice from SCAQMD.
- 4.4 CITY has selected Performance Option 2 to demonstrate compliance with the Required Usage Levels in Table 42. Under this option **total ship visits** are defined as the number of visits to the berth by all U.S. or foreign-flagged vessels, regardless of

vessel type. The total ship visits shall exclude the number of ship visits from vessels that did not plug into grid-based power AND met one of the following criteria:

- i. The vessel was part of a fleet complying with CCR Section 93118.3 under the “Equivalent Emissions Reduction Option.”
- ii. The vessel was prevented from plugging into grid-based power for the duration of the visit due to a qualifying “emergency event” as defined in CCR Section 93118.3.

The CITY may elect to use the optional berth averaging and banking provisions described in the Supplemental Procedures to comply with the Required Usage Levels identified in Task 4.2, upon the written approval of SCAQMD and CARB.

- 4.5 The expected number of ship visits to utilize the shore power system at each berth and the associated emission reductions are identified in Table 23 below.

Table 23: Expected Shore Power Ship Visits and Associated Emission Reductions

	Averaging Period	Berth 401	Berth 402	Berth 403	Berth 404	Berth 405	West Basin B-121	West Basin B-126	YTI B-212	YTI B-216	Evergreen B-227
Estimated Ship Visits Using Shore Power Per Year*	2014-2016	6	10	40	25	72	36	36	60	24	45
	2017-2019	8	14	50	35	100	45	49	80	31	60
	2020 & Beyond	9	16	60	40	110	54	54	90	35	68
NOx reductions (lbs)		63,218	78,077	360,403	367,421	2,647,323	960,167	634,088	3,133,142	773,415	926,642
PM reductions (lbs)		1,079	1,333	6,151	6,271	45,184	16,388	10,823	53,476	13,201	15,816

* The ship visits identified in Table 23 represent the expected level of shore power usage at each berth. These numbers will not be used to assess performance under this Contract. Performance under this Contract will be based on the “actual” percentage of ship visits that connected to the shore power system during the applicable averaging period described under Task 4.3.

Task 5: Reporting

- 5.1 CITY shall submit annual reports as specified in Attachment 1B, attached here and incorporated here by reference.
- 5.2 CITY shall submit schedule updates to SCAQMD on a quarterly basis until the shore power systems have been demonstrated to be fully operational to SCAQMD at the time of the post-inspection. The schedule updates shall include, but are not limited to: actual start and finish dates for any applicable activities, estimated completion dates for any activities that are in progress, estimated start and finish dates for any activities that have not started, and actual or estimated start and finish dates for any additional activities known to CITY that may jeopardize the Project Completion Date.

ATTACHMENT 1A – AMENDMENT #2

**PROJECT SCHEDULE
PORT OF LOS ANGELES
FY 2008-09**

PROPOSITION 1B: GOODS MOVEMENT EMISSION REDUCTION PROGRAM

CITY shall demonstrate that the shore power system at each berth is complete and operational by **December 31, 2013 (“Project Completion Date”)**. A successful post-inspection for each berth shall be completed ~~at least 30 calendar days prior to the “liquidation deadline,” as specified in the latest amendment to the Grant Agreement between CARB and SCAQMD~~ in accordance with the schedule specified in Table 1 (above).

CITY shall adhere to the milestone completion dates for each berth project identified in Table 34 below, and shall ensure that all subcontractors, including those responsible for ordering, receiving and accepting the materials/equipment for the projects, also adhere to the milestone dates in Table 34 below:

Table 34: Milestone Completion Dates

Task	Berth 401	Berth 402	Berth 403	Berth 404	Berth 405	West Basin B-121	West Basin B-126	YTI B-212	YTI B-216*	Evergreen B-227
Issue Notice to Proceed	12/18/2012 ACTUAL	12/18/2012 ACTUAL	12/18/2012 ACTUAL	12/18/2012 ACTUAL	12/18/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	12/18/2012 ACTUAL
Preliminary Design	10/3/2011 ACTUAL	10/3/2011 ACTUAL	10/3/2011 ACTUAL	10/3/2011 ACTUAL	10/3/2011 ACTUAL	10/31/2011 ACTUAL	10/31/2011 ACTUAL	Aug-10 ACTUAL	Aug-10 ACTUAL	Aug-11 ACTUAL
Environmental Clearance (if applicable)**	7/20/2011 ACTUAL	7/20/2011 ACTUAL	7/20/2011 ACTUAL	7/20/2011 ACTUAL	7/20/2011 ACTUAL	4/6/2011 ACTUAL	4/6/2011 ACTUAL	8/2/2011 ACTUAL	8/2/2011 ACTUAL	7/20/2011 ACTUAL
Final design	8/31/2012 ACTUAL	8/31/2012 ACTUAL	8/31/2012 ACTUAL	8/31/2012 ACTUAL	8/31/2012 ACTUAL	3/31/2012 ACTUAL	3/31/2012 ACTUAL	2/29/2012 ACTUAL	2/29/2012 ACTUAL	8/31/2012 ACTUAL

Equipment ordering	12/20/2012 ACTUAL	12/20/2012 ACTUAL	12/20/2012 ACTUAL	12/20/2012 ACTUAL	12/12/2012 ACTUAL	12/12/2012 ACTUAL	12/12/2012 ACTUAL	12/12/2012 ACTUAL	12/12/2012 ACTUAL	12/20/2012 ACTUAL
Receipt of delivery date confirmations from manufacturers	1/21/2013 ACTUAL	1/21/2013 ACTUAL	1/21/2013 ACTUAL	1/21/2013 ACTUAL	4/24/2013 ACTUAL	4/24/2013 ACTUAL	4/24/2013 ACTUAL	4/24/2013 ACTUAL	4/24/2013 ACTUAL	1/21/2013 ACTUAL
Projected Equipment Delivery** (estimated)	5/15/2013 ACTUAL	5/15/2013 ACTUAL	5/15/2013 ACTUAL	5/15/2013 ACTUAL	5/24/2013 ACTUAL	5/24/2013 ACTUAL	5/24/2013 ACTUAL	5/24/2013 ACTUAL	5/24/2013 ACTUAL	5/15/2013 ACTUAL
Power Upgrade project	Oct-13	Oct-13	Oct-13	Oct-13	Oct-13	Oct-13	Oct-13	Oct-13	Oct-13	Oct-13
Execution of purchase orders and/or construction contracts**	12/13/2012 ACTUAL	12/13/2012 ACTUAL	12/13/2012 ACTUAL	12/13/2012 ACTUAL	8/16/2012 ACTUAL	8/16/2012 ACTUAL	8/16/2012 ACTUAL	8/16/2012 ACTUAL	8/16/2012 ACTUAL	12/13/2012 ACTUAL
Permits	3/20/2013 ACTUAL	3/20/2013 ACTUAL	3/20/2013 ACTUAL	3/20/2013 ACTUAL	Apr-12 ACTUAL	Apr-12 ACTUAL	Apr-12 ACTUAL	Apr-12 ACTUAL	Apr-12 ACTUAL	3/20/2013 ACTUAL
Start construction**	12/18/2012 ACTUAL	12/18/2012 ACTUAL	12/18/2012 ACTUAL	12/18/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	10/9/2012 ACTUAL	12/18/2012 ACTUAL
Finish Construction	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	Nov-13	Oct-13	Nov-13

Commissioning/ Load Bank Testing/ Demonstration of fully operational system (w/ ship plugged in)	Dec-13	Dec-13	Dec-13	Dec-13	Dec-13	Dec-13	Dec-13	Nov-13	Nov-13	Dec-13
Project Completion Date	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13	12/31/13
As needed AMP Ship Connection Tests	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014	March 14, 2014
Sufficient required invoices & required documentation for payment received by SCAQMD	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13	Note 1 12/10/13

* As previously approved, Berth 216 replaces what was identified as Berth 214 in City's original application.
Key milestone dates are denoted with a double asterisk (**)

Note 1: Sufficient invoices and required documentation shall be submitted to the SCAQMD for each berth such that funds are liquidated no later than 90 days after successful post-inspection and no later than March 31, 2015. Invoice packages may be accepted more than 90 days after a successful post-inspection on a case-by-case basis if approved by the SCAQMD.

ATTACHMENT 2 – AMENDMENT #2

**PAYMENT SCHEDULE
PORT OF LOS ANGELES
FY 2008-09**

PROPOSITION 1B: GOODS MOVEMENT EMISSION REDUCTION PROGRAM

The CITY shall be reimbursed for 50% of the eligible project costs, not exceeding the total grant funds awarded to each berth as identified in Table 45. CITY shall be reimbursed upon submission of itemized invoices and supporting documentation identified below, and after the shore power system(s) complete and pass the post-inspection by SCAQMD.

Reimbursement of Eligible Project Costs

Table 45 identifies the pre-construction estimates of the expected eligible costs and the total SCAQMD award for each berth project. The SCAQMD will evaluate all invoiced costs to determine final eligibility and payment amount under this Contract.

Table 45: Estimated Eligible Project Costs *

Description	Berth 401	Berth 402	Berth 403	Berth 404	Berth 405	West Basin B-121	West Basin B-126	YTI B-212	YTI B-216	Evergreen B-227
Design & Engineering	\$600,000	\$600,000	\$600,000	\$600,000	\$600,000	\$500,000	\$500,000	\$1,000,000	\$1,000,000	\$500,000
Construction Cost										
Electrical Power Distribution Equipment*	\$4,800,000	\$4,800,000	\$4,800,000	\$4,800,000	\$4,800,000	\$4,000,000	\$4,000,000	\$5,500,000	\$5,500,000	\$4,000,000
Lump Sum Construction	\$1,600,000	\$1,600,000	\$1,600,000	\$1,600,000	\$1,600,000	\$3,000,000	\$3,000,000	\$3,500,000	\$3,500,000	\$2,500,000
Total Berth Cost	\$7,000,000	\$7,000,000	\$7,000,000	\$7,000,000	\$7,000,000	\$7,500,000	\$7,500,000	\$5,825,000	\$5,825,000	\$7,000,000

SCAQMD Award	\$2,421,875	\$2,421,875	\$2,421,875	\$1,977,500	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000	\$2,500,000
Non-State Match Funds**	\$4,578,125	\$4,578,125	\$4,578,125	\$5,022,500	\$5,000,000	\$5,000,000	\$3,325,000	\$3,325,000	\$4,500,000

* Includes but is not limited to incoming utility lines and substation, 34.5 kV customer side switchgear and substation, 34.5 feeder conduits and cables, transformer, 6.6 kV or 11 kV switchgear and substation, 6.6kV or 11 kV feeder conduits and cables, shore-to-ship power outlet vaults including power receptacle assemblies

** Source of Funding: Los Angeles Harbor Department

By no later than September 30, 2012, CITY agrees to submit a detailed cost breakdown for each Project to SCAQMD. The detailed cost breakdown shall include updated project cost information and a cost breakdown for the major equipment categories either listed in Section V.D. of the Supplemental Procedures or similar line items as approved by SCAQMD and CARB.

Payments made by SCAQMD shall only be made for Eligible Project Costs, which are defined as non-administrative (direct) costs to design, engineer, purchase and install the shore power systems as described in this Contract. Eligible Project Costs include: design, engineering, equipment, materials, construction and labor necessary to purchase, install, test and commission infrastructure to supply electrical power to vessels at berth, and, if applicable, a prorated share of the costs associated with increasing the capacity of electrical power (power upgrade project) to the CITY. Eligible Project Costs that are applicable to multiple berths (e.g., a power upgrade project) must be prorated amongst all eligible and ineligible berths and other equipment served by that upgrade project.

Ineligible project costs under this Contract include: shipside modifications to accept shore-based electrical power, consulting, environmental review, legal fees, permits, licenses and associated fees, taxes, metered costs, insurance, operation, maintenance, repair, and any other ineligible costs identified in the Guidelines and/or Supplemental Procedures.

Requests for early payment of reimbursement shall be as follows:

- The CITY may submit a request for reimbursement on a quarterly basis. Payment will only be made if the following requirements have been met:
 - The CITY is in compliance with the equipment project contract, including all reporting requirements.
 - The CITY has expended all non-Program match funding as documented by invoices and evidence of payment (for example, cancelled checks that were issued) to the construction contractor(s).
- The reimbursement amount requested by the CITY shall be equal to an amount not more than 50% of eligible project costs identified on the invoice or an amount not exceeding the Funds Awarded for the berth (as set forth in Table 45 above), per berth project, whichever is less. Upon approval of the invoice, SCAQMD will pay 80% of the reimbursement amount requested.
- The remaining 20% of the reimbursement amount requested will be paid upon the successful completion of a post-inspection, including demonstration of operability with a cargo ship which is fully powered by shore-based electrical power supplied by the grid-based equipment, and receipt of a separate invoice request. This remaining 20% of the reimbursement amount shall be shown as a separate line item in the payment request submitted by the CITY.

The sum of the progress payments received by the CITY for each berth project cannot be greater than the Funds Awarded for the berth (as set forth in Table 45 above) or the amount eligible for payment as specified above, whichever is less. In the event of overpayment, the CITY must promptly refund the overpayment amount to the SCAQMD.

Documentation

To be reimbursed, CITY must submit the following with the invoice(s): a copy of the original invoice from the equipment supplier and/or contractor performing the work, evidence of payment by CITY, and a written certification by the CITY stating that the equipment and services delivered meet the approved design criteria and specifications for the projects, and a separate cost breakdown for each Project. The separate cost breakdown for each Project shall identify the Project, the work performed, and include a summary of project costs broken down by the following categories: labor costs (including total labor man-hours expended), material costs, equipment costs and other category costs (as applicable with a detailed description of the other costs). The SCAQMD may allow alternative invoicing breakdowns if requested by CITY. CITY shall also provide all calculations and backup material to support prorated costs.

The CITY shall also submit a written certification that all non-eligible costs (pursuant to the Guidelines and Supplemental Procedures) are not included in reimbursement requests.