

**U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION**

**GRANT AGREEMENT UNDER THE
FISCAL YEAR 2020 PORT INFRASTRUCTURE DEVELOPMENT PROGRAM (PIDP)
GRANTS**

MARAD FY 2020 PIDP Grant No. 693JF72140002

70X1713D20 2023 1SR2140002 0000150002 41010 61006600 — \$9,880,000

This agreement is between the United States Department of Transportation Maritime Administration (“MARAD”) and the City of Los Angeles, Harbor Department (the “Recipient”).

This agreement reflects the selection of the Recipient to receive a PIDP Grant for the SR 47-Vincent Thomas Bridge & Harbor Boulevard-Front Street Interchange Improvement Project.

The parties therefore agree to the following:

**Article 1
GENERAL TERMS AND CONDITIONS**

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under The Fiscal Year 2020 Port Infrastructure Development Program For Grants Executed After May 14, 2022,” dated May 25, 2022, which is available at <https://cms.marad.dot.gov/grants-finance/federal-grant-assistance/2020-pidp-terms-and-conditions-awards-executed-after-may>. Articles 8–24 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the PIDP Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to MARAD the PIDP Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

Article 2
APPLICATION, PROJECT, AND AWARD

2.1 Application. The application for funding was dated May 15, 2020, and titled “America’s Port: Port of Los Angeles: National Highway Freight Network Improvement Program, State Route 47-Vincent Thomas Bridge & Harbor Boulevard-Front Street Interchange Improvement Project.” It contained Standard Form 424 and all information and attachments submitted with that form through Grants.gov.

2.2 Project. In this agreement, the “**Project**” means the project proposed in the application identified in Section 2.1 as modified by the negotiated provisions of this agreement, including Article 3 and Attachments A-E.

2.3 Federal Award and Federal Obligation.

MARAD hereby awards a PIDP Grant to the Recipient in the amount of \$9,880,000 and obligates that amount for the budget period.

2.4 Award Dates.

Budget Period End Date:	August 31, 2027
Period of Performance End Date:	August 31, 2030
Estimated Closeout Date:	August 31, 2031

2.5 Federal Award Identification Number. MARAD identifies this award with the following federal award identification number: 693JF72140002

Article 3
SUMMARY PROJECT INFORMATION

3.1 Summary of Project’s Statement of Work. (See Attachment A for additional details).

The Project will improve the State Route 47 (SR 47) Vincent Thomas Bridge / Harbor Boulevard-Front Street Interchange near the Port of Los Angeles. The improvements include: removal of existing westbound off-ramp with Harbor Boulevard to eliminate an unsafe weave, construction of new westbound off-ramp with Front Street with a new traffic signal, realignment of eastbound on-ramp from Harbor Boulevard to increase merge length and reduce grade, conversion of the eastbound off-ramp/auxiliary lane from I-110 connector and Gaffey Street to two-lanes, and removal of an obsolete rail spur.

3.2 Project’s Estimated Schedule.

Milestone	Schedule Date
Actual Right-of-Way Certification Date:	March 31, 2022
Actual Plan, Specification, & Estimate (PS&E) Approval Date:	December 31, 2022
Planned Construction Start Date:	December 1, 2023
Planned Construction Substantial Completion Date:	October 31, 2026

3.3 Project’s Estimated Budget. (See Attachment B for additional details).

Eligible Project Costs	
PIDP Grant Amount:	\$9,880,000
Other Federal Funds ¹ :	\$6,954,239
State Funds: ²	\$6,428,761
Regional Funds ³ :	\$42,610,000
Local Funds: ⁴	\$27,370,000
Total Eligible Project Cost:	\$93,243,000

**Article 4
CRITICAL MILESTONE DEADLINES**

4.1 Critical Milestone Deadlines.

The Recipient acknowledges MARAD may terminate this award under Section 16.1(a) on some conditions related to the Project’s estimated schedule, as listed in Section 3.2 and in the following table.

Milestone	Deadline Date
Execution of a Port Performance Data Sharing Agreement with USDOT	Within 30 days from the execution date of the Grant Agreement

¹ California Transportation Commission’s Trade Corridor Enhancement Program (originating from the United States Department of Transportation’s Federal Highway Administration (FHWA) National Highway Freight Program (NHFP))

² State of California (Trade Corridor Enhancement Program)

³ Los Angeles County Metropolitan Transportation Authority (Regional Funds)

⁴ Port of Los Angeles (Port Revenue Funds)

Article 5
PARTY INFORMATION

5.1 Recipient's Unique Entity Identifier.

Recipient's Unique Entity Identifier: **TYUJZWJ8N568**

5.2 Recipient Contact(s).

Dina Aryan-Zahlan
Chief Harbor Engineer
Port of Los Angeles
425 S. Palos Verdes
San Pedro, California 90731
(310) 732-3804
DAryan-Zahlan@portla.org

and

Sue Lai
Harbor Engineer
Port of Los Angeles
425 S. Palos Verdes
San Pedro, California 90731
(310) 732-3649
SLai@portla.org

5.3 Recipient Key Personnel.

None. The parties have not identified any individuals as key personnel for this award.

5.4 MARAD Project Contact(s).

Kelly Mitchell-Carroll
Grants and Cooperative Agreement Officer
DOT Maritime Administration
1200 New Jersey Ave, SE
Washington, DC 20590
MAR-380
W26-422
Mailstop 5
(202) 366-9714

k.mitchell-carroll@dot.gov

and

David Bohnet
Supervisory Grant Management Specialist
DOT Maritime Administration
1200 New Jersey Ave, SE
Washington, DC 20590
MAR-510
W21-226
Mailstop 3
(202) 366-0586
david.bohnet@dot.gov

Article 6
MARAD ADMINISTRATIVE INFORMATION

6.1 Payment System.

MARAD Payment System: Delphi eInvoicing System

6.2 Office for Subaward and Contract Authorization.

MARAD Office for Subaward and Contract Authorization: None

Article 7
SPECIAL GRANT TERMS

7.1 Mitigation Measures.

- (a) The Recipient shall complete the mitigation activities described in the Categorical Exclusion (CatEx) dated September 13, 2021, including the terms and conditions contained in the required permits and authorizations for the Project.
- (b) The Recipient shall complete the mitigation activities described in the Section 106 Consultation correspondence with the Gabrieleno Band of Mission Indians - Kizh Nation (Tribe), dated May 3, 2021, in which Tribe requested the Recipient consult on this Project with Tribe regarding any ground disturbance.

7.2 Other Federal Funds Requirements.

By entering into this agreement and incorporating other Federal funds from California Transportation Commission's Trade Corridor Enhancement Program (originating from the United States Department of Transportation's Federal Highway Administration National Highway Freight Program), the Recipient assures and certifies, with respect to any Project components that apply such other Federal funds, it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements, including but not limited to, all applicable Highway Federal Legislation under Title 23, U.S.C. and all applicable Federal Highway Regulations under Title 23, C.F.R. Recipient acknowledges that these requirements are in addition to and not a waiver of all requirements otherwise incorporated into this agreement.

7.3 Additional Buy America Requirements.

In addition to the Buy America requirements incorporated at Section 18.2 of the General Terms and Conditions and Exhibit C6 of this agreement (collectively, "MARAD Buy America Requirements"), Recipient acknowledges that the execution of this agreement will also subject steel, iron, and manufactured products used in the Project to 23 U.S.C. 313 and the grant agreement is neither a waiver of 23 U.S.C. 313(a) nor a finding under 23 U.S.C. 313(b). In the event of a conflict between MARAD Buy America Requirements and 23 U.S.C. 313, the most stringent requirements shall control. No waiver from any domestic content procurement preferences shall apply to the Project unless such waiver applies to both the PIDP funds and the other Federal funds incorporated into the Project.

ATTACHMENT A STATEMENT OF WORK

The Project scope includes modifications to the existing on and off ramps of the existing State Route 47/Vincent Thomas Bridge and Front Street/Harbor Boulevard Interchange. Improvements include replacement of the existing southbound off-ramp from the Vincent Thomas Bridge with a new off-ramp on the north side of the Vincent Thomas Bridge, realignment of the existing northbound on-ramp onto the SR 47 and 1-110 connector, modification of the southbound off-ramp onto Harbor Boulevard, modification of the northbound on-ramp onto the Vincent Thomas Bridge toward Terminal Island, Front Street improvements, and civil improvements to adjacent parcels.

Component 1 – Construction

1.1 Utilities:

- a. Removal of conflicting utilities
- b. Rail removal
- c. Water and gas line relocation
- d. Drainage improvements including modifications to the existing storm drain system
- e. Sewer system improvements
- f. Electrical system improvements

1.2 Site Work:

- a. Earthwork including soil remediation and soil surcharge
- b. Partial demolition of the existing on and off ramps to construct new ramp alignments
- c. Grading, paving, and striping
- d. Roadway realignment including sidewalk, curb, and gutter improvements
- e. Traffic signal and street lighting improvements
- f. Retaining walls and architectural wall treatment
- g. Fencing
- h. Landscaping and irrigation
- i. Rail removal

Component 2 – Construction Management

The construction management charges include the construction management contract for administrative support, and staff charges for inspection, construction management support, and design services during construction.

**ATTACHMENT B
ESTIMATED PROJECT BUDGET**

1. Supplementary Fund Source Table(s)

The following tables supplement the budget information in Section 3.3.

Non-PIDP Previously Incurred Costs	
Regional Funds ³ :	\$4,290,000
Local Funds ⁴ :	\$5,267,000
Total:	\$9,557,000

	Eligible Costs		Total
	Component 1 Construction	Component 2 Construction Management	
PIDP Funds:	\$8,364,807	\$1,515,193	\$9,880,000
Other Federal Funds ¹ :	\$6,954,239	\$0	\$6,954,239
State Funds ² :	\$6,428,761	\$0	\$6,428,761
Regional Funds ³ :	\$36,151,000	\$6,459,000	\$42,610,000
Local Funds ⁴ :	\$20,144,193	\$7,225,807	\$27,370,000
Total:	\$78,043,000	\$15,200,000	\$93,243,000

¹ California Transportation Commission's Trade Corridor Enhancement Program (originating from the United States Department of Transportation's FHWA NHFP)

² State of California (Trade Corridor Enhancement Program)

³ Los Angeles County Metropolitan Transportation Authority (Regional Funds)

⁴ Port of Los Angeles (Port Revenue Funds)

2. Cost Classification Table

Cost Classification	Total Costs	Non-PIDP Previously Incurred Costs	Eligible Costs
Land, structures, rights-of-way, appraisals, etc. (Environmental)	\$922,008	\$922,008	
Architectural and engineering fees	\$8,634,992	\$8,634,992	
Construction Management	\$15,200,000		\$15,200,000
Construction	\$74,832,691		\$74,832,691
Contingency	\$3,210,309		\$3,210,309
Project Total	\$102,800,000	\$9,557,000	\$93,243,000

**ATTACHMENT C
OUTCOME PERFORMANCE MEASUREMENT TABLE**

Study Area: State Route 47-Vincent Thomas Bridge & Harbor Boulevard-Front Street Interchange

Pre-project Measurement Date: June 1, 2023

Pre-project Report Date: November 30, 2023

Project Outcomes Report Date: August 31, 2030

Table 1: Outcome Performance Measurement Table

Measure	Description and Category of Measure	Measurement Period	Reporting Period
Travel Time Savings	<p align="center">Economic Competitiveness</p> <p align="center">Hr./Min./Sec.</p> <p>Travel time savings for traffic measured over specified distance as defined by the Project study area. Variables include queuing time or cross modal transport times.</p>	<p>Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date</p> <p>Post-construction Performance Measures: Accurate as of the first day of the quarter</p>	<p>Baseline Measurement: Pre-project Report Date</p> <p>Post-construction Performance Measures: For a period of 3 years, beginning the first full quarter after the Construction Substantial Completion Date, for a period of 12 consecutive quarters.</p>
Accident Reduction	<p align="center">Safety</p> <p>Reduces accident potential via improved geometry and reduced delays.</p>	<p>Baseline Measurement: Annual average, accurate as of the Pre-project Measurement Date</p> <p>Post-construction Performance Measures: Accurate as of the first day of the quarter.</p>	<p>Baseline Measurement: Pre-project Report Date</p> <p>Post-construction Performance Measures: For a period of 3 years, beginning the first full quarter after the Construction Substantial Completion Date, for a period of 12 consecutive quarters.</p>

**ATTACHMENT D
MATERIAL CHANGES FROM APPLICATION**

Scope: None.

Schedule: Recipient’s application included a construction start date of April 2022 and a construction completion date of March 2024. The updated Project schedule includes a construction start date of December 1, 2023, and a construction substantial completion date of October 31, 2026. The Project schedule was revised to incorporate design changes due to the increase in Aerially Deposited Lead (ADL) remediation limits for existing and dedicated Caltrans parcels, and third-party agency coordination and approval of utility agreements, temporary construction easements, and third-party agency approval of PS&E package.

Budget: This award is \$120,000 less than requested in the Recipient’s application. Additionally, since application submittal, the total eligible Project cost has increased from \$59,522,000 to \$93,243,000. The increase in cost is due to the consolidation of two closely spaced intersections extending the southbound SR-47/VT Bridge off ramp construction area 1000 feet north, and the increased soil remediation quantity per Caltrans request. Recipient has committed to cover this cost increase using a combination of non-Federal funds in addition to \$13,383,000 from a California Transportation Commission’s Trade Corridor Enhancement Program grant. A portion of this state grant (\$6,954,239) is Federal funding originating from the United States Department of Transportation’s FHWA NHFP. These “Other Federal Funds” were not included in Recipient’s grant application because the Port of Los Angeles did not apply for the California Transportation Commission’s Trade Corridor Enhancement Program grant until after it had submitted the PIDP application.

Due to the increase in Project costs discussed above, the Recipient is now committed to match \$76,408,761 in non-Federal funds. The Recipient has expended \$9,557,000 in costs for engineering and environmental fees. Because these costs were not pre-approved by MARAD, MARAD has included these expenses as non-PIDP previously incurred costs because they were for pre-construction activities, were included in the application, were incurred after grant award announcement, and complied with all Federal requirements.

The table below provides a summary comparison of the project budget.

Fund Source	Application		Section 3.3 and Attachment B	
	\$	%	\$	%
Total Project Cost	\$59,522,000	100%	\$102,800,000	100%
Total Non-PIDP Previously Incurred Cost	\$0	0%	\$9,557,000	9.30%
Other Federal Funds				
Non-Federal Funds				
Total Eligible Project Cost	\$59,522,000	100%	\$93,243,000	
PIDP Funds	\$10,000,000	16.80%	\$9,880,000	9.61%
Other Federal Funds	\$0	0%	\$6,954,239	6.76%
Non-Federal Funds	\$49,522,000	83.20%	\$76,408,761	74.33%

ATTACHMENT E
APPROVED PRE-AWARD COSTS

None. MARAD has not approved under this award any pre-award costs under 2 C.F.R. 200.458. Because unapproved costs incurred before the date of this agreement are not allowable costs under this award, MARAD will neither reimburse those costs under this award nor consider them as a non-Federal cost sharing contribution to this award. Costs incurred before the date of this agreement are allowable costs under this award only if approved in writing by MARAD before being included in the Project costs and documented in this Attachment E. See Section 19.2(b).

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

City of Los Angeles, Harbor Department
by its Board of Harbor Commissioners

Date: _____ By: _____


EUGENE D. SEROKA, Executive Director

Date: _____ Attest: _____

AMBER M. KLESGES, Board Secretary

APPROVED AS TO FORM AND
LEGALITY:

HYDEE FELDSTEIN SOTO, City Attorney
STEVE OTERA, General Counsel

Date: 3/23/23 By:  _____

Estelle M. Braaf, Deputy City Attorney

MARAD SIGNATURE PAGE

MARAD, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF
TRANSPORTATION MARITIME
ADMINISTRATION

_____ By: _____
Date Signature of MARAD's Authorized Representative

Name

Title