

FIRST AMENDMENT TO AGREEMENT NO. E6646
DATA DELIVERY AGREEMENT

THIS FIRST AMENDMENT to Agreement No. E6646 is made and entered into by and between the CITY OF LOS ANGELES, a municipal corporation ("City"), acting by and through its Board of Harbor Commissioners ("Board"), PIERPASS, INC. ("PierPass"), and each of the tenants of the Port ("Tenants") as follows:

1. Section 2 is amended to read:

SECTION 2. COMPENSATION TO PIERPASS

In exchange for the services provided by PierPass under this Agreement, the Port shall compensate PierPass a one-time amount of \$3,000 for its startup costs, payable within thirty (30) days after the effective date of this Agreement, and \$4,000 per calendar month for the first 12 months and \$3500 per calendar month for the subsequent 24 months thereafter, payable within thirty (30) days after the close of each month for which monthly Data has been delivered. The maximum amount payable under this Agreement is One Hundred Thirty Five Thousand Dollars (\$135,000).

2. Section 3 is amended to read:

SECTION 3. EFFECTIVE DATE, DURATION AND TERMINATION

3.1 This Agreement shall become effective on the date it becomes effective pursuant to the Shipping Act of 1984, as amended ("Shipping Act), and shall remain in effect for an initial term of three (3) months. Unless any party has given notice of termination in writing at least 15 days prior to the end of a term, or pursuant to any applicable provision of this Agreement, the Agreement shall be automatically extended for successive one month periods thereafter, up to a maximum of three (3) years.

Except as amended herein, all remaining terms and conditions of Agreement No. E6646 shall remain in full force and effect.

(Signature page follows here)

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to Agreement No. E6646 on the date to the left of their signatures.

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

Dated: _____

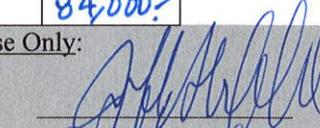
By _____
Executive Director

Attest _____
Board Secretary

APPROVED AS TO FORM AND LEGALITY

_____, 2013
CARMEN A. TRUTANICH, City Attorney
Janna B. Sidley, General Counsel

By _____
Simon M. Kann, Deputy

Account #	<u>59967</u>	W.O. #	<u>78090</u>
Ctr/Div #	<u>0330</u>	Job Fac. #	<u>637.00</u>
Proj/Prog #	<u>000</u>		
Budget FY:		Amount:	
	<u>2012/13</u>		<u>7,000.-</u>
	<u>2013/14</u>		<u>42,000.-</u>
	<u>2014/15</u>		<u>35,000.-</u>
	<u>TOTAL</u>		<u>84,000.-</u>
For Acct/Budget Div. Use Only:			
Verified by:			
Verified Funds Available:	<u>Simon M. Kann</u>		
Date Approved:	<u>4/25/2013</u>		

PIERPASS, INC.

Dated: _____

By: _____

Bruce Wargo
President

APM TERMINALS PACIFIC

Dated: _____

By: _____

CALIFORNIA UNITED TERMINALS, INC.

Dated: _____

By: _____

Name:
Title:

EAGLE MARINE SERVICES, LTD.

Dated: _____

By: _____

Name:
Title:

**SEASIDE TRANSPORTATION SERVICES,
L.L.C.**

Dated: _____

By: _____

Name:
Title:

TRAPAC INC.

Dated: _____

By: _____

Name:
Title:

YUSEN TERMINALS, INC.

Dated: _____

By: _____

Name:

Title:

**WEST BASIN CONTAINER TERMINAL,
L.L.C.**

Dated: _____

By: _____

Name:

Title: