



DATE: October 21, 2013

TO: Governing Board, Intermodal Container Transfer Facility Joint Powers Authority

FROM: Douglas A. Thiessen, Executive Director

SUBJECT: Third Amendment to Contract with Environ International Corporation

The proposed third amendment to the contract with Environ International Corporation (Environ) is for continued Environmental Impact Report (EIR) preparation services related to the Intermodal Container Transfer Facility (ICTF) Modernization and Expansion Project.

On November 10, 2011 the ICTF JPA entered into a one-year, \$150,000 contract with Environ for EIR preparation services. This initial authorization was executed to begin Environ's work with the understanding that additional funding would be needed to complete the EIR. On November 29, 2011 the ICTF JPA Board approved an additional \$1,060,000 bringing the total amount authorized to \$1,210,000. In addition, the ICTF JPA Board also extended the term of the contract until November 10, 2014. On November 13, 2012 the JPA Board approved an additional \$350,120; bringing the total amount authorized to \$1,560,120. The proposed contract amendment includes a change order request in the amount of \$381,120 to continue EIR preparation services. If approved this amendment would bring the total amount authorized to \$1,941,240. The additional authorization would cover changes to the environmental analysis including: revisions to analysis years, revisions to San Pedro Bay Ports cargo forecast, updates to the port-area transportation model, and use of the latest updated version of AERMOD dispersion modeling software.

It is recommended that the Governing Board approve the execution of the proposed amendment to the contract with Environ International Corporation authorizing funding in the amount of \$381,120

It is also recommended that the Board make the following finding:
"The Board finds the activity is administrative activity that will not result in direct or indirect physical changes in the environment, and, as such, is not a "project" as defined by CEQA Guidelines section 15378."

Douglas A. Thiessen
Executive Director

THIRD AMENDMENT TO AGREEMENT BETWEEN
THE INTERMODAL CONTAINER TRANSFER FACILITY
JOINT POWERS AUTHORITY AND
ENVIRON INTERNATIONAL CORPORATION

This Second Amendment to Agreement dated for reference purposes as of October 23, 2013, is entered into between the INTERMODAL CONTAINER TRANSFER FACILITY JOINT POWERS AUTHORITY, a Joint Powers Authority ("ICTF") and ENVIRON INTERNATIONAL CORPORATION, a Virginia corporation ("Consultant")

WHEREAS, ICTF and Consultant entered into an Agreement dated November 11, 2011 for Consultant to provide professional, scientific, expert or technical services to assist the ICTF in preparing the Environmental Impact Report for the proposed ICTF facility modernization project, for a term of one year and compensation of \$150,000 ("Agreement"); and

WHEREAS, in November, 2011 pursuant to the First Amendment to Agreement, the Agreement was amended to increase the term to a period of three years ending November 10, 2014 and to increase the compensation to \$1,210,000; and

WHEREAS, in November, 2012, pursuant to the Second Amendment to Agreement the Agreement was amended to increase the scope of work and increase the compensation to \$1,560,120.

WHEREAS, the parties desire to further increase the scope of work and compensation of the Agreement as provided for herein.

NOW, THEREFORE, IT IS MUTUALLY AGREED that the Agreement is hereby amended as follows:

1. Section IV.A. "COMPENSATION," is amended to increase the maximum payable under this Agreement by Three Hundred Eighty One Thousand One Hundred Twenty (\$381,120) to a maximum compensation of One Million Nine Hundred Forty One Thousand Two Hundred Forty Dollars (\$1,941,240), by deleting the previous provision and replacing it with the following provision:

"A. The maximum payable under this Agreement, including reimbursable expenses (see Exhibit "A"), shall be One Million Nine Hundred Forty One Thousand Two Hundred Forty Dollars (\$1,941,240)."

2. Exhibit A, Scope of Work, is hereby amended as follows:

a. The following shall be added to the "*Continued ICTF ADEIR Development*" section of Phase II:

"ENVIRON will perform revisions to environmental analysis years, revisions to the environmental analysis due to updates to the San Pedro Bay Ports cargo forecast and updates to the port-area

transportation model, and use of the latest updated version of AERMOD dispersion modeling software.”

- b. The Phase II Budget shall be increased by Three Hundred Eighty One Thousand One Hundred Twenty (\$381,120) to a maximum compensation of One Million Nine Hundred Forty One Thousand Two Hundred Forty Dollars (\$1,941,240), by amending the last line under “Phase II” to read as follows:

“Phase I Budget: \$876,120”

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

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

THE INTERMODAL CONTAINER
TRANSFER FACILITY JOINT POWERS
AUTHORITY, a Joint Powers Authority

Dated: _____

By _____
Douglas Thiessen,
Executive Director

Attest: _____

(Print/type name and title)

ENVIRON INTERNATIONAL
CORPORATION
a Virginia corporation

Dated: _____

By: _____

(Print/type name and title)

Attest: _____

(Print/type name and title)

APPROVED AS TO FORM AND LEGALITY
_____, 20____

JANNA B. SIDLEY,
ICTF General Counsel