



DATE: October 21, 2013

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

FROM: Douglas A. Thiessen, Executive Director

SUBJECT: First Amendment to Contract with Ascent Environmental

It is recommended that the Board approve a first amendment to the contract with Ascent Environmental, Inc. (Ascent) to extend the term of the contract from one year to two years.

On November 9, 2012 the Executive Director executed a contract with Ascent in the amount of \$100,000 for third party review of the ICTF Modernization and Expansion Project Administrative Draft Environmental Impact Report (ADEIR) with a period of performance of one year. Due to delays in the preparation of the ADEIR, Ascent has not begun their work and no charges have been incurred under the contract. It is anticipated that the ADEIR will be available for Ascent's review in the next year. Therefore a one year extension of Ascent's contract will provide the necessary time for the third party review to be completed. It is recommended that the JPA Board approve a first amendment to the contract with Ascent to extend the contract term by one year.

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

FIRST AMENDMENT TO AGREEMENT BETWEEN
THE INTERMODAL CONTAINER TRANSFER FACILITY
JOINT POWERS AUTHORITY AND
ASCENT ENVIRONMENTAL, INC.

This First 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 ASCENT ENVIRONMENTAL INC., a California corporation, whose address is 455 Capitol Mall, Suite 205, Sacramento, California 95814 ("Consultant").

WHEREAS, ICTF and Consultant have entered into an Agreement dated November 9, 2012 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 ("Agreement"); and

WHEREAS, the Agreement was authorized by the Executive Director for a term of one year and compensation of \$100,000; and

WHEREAS, the parties desire to increase the term by one year, with no increase in scope of work or compensation of the Agreement, as provided for herein.

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

1. Section 4 "Effective Date and Term," is amended to increase the term of this Agreement from a period of one year to a period of two years, by deleting the first sentence of Section 4.2 and replacing it with the following provision:

"4.2 The term of this Agreement shall be two (2) years, commencing on the Agreement's effective date."

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

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IN WITNESS WHEREOF, the parties have executed this First 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)

ASCENT ENVIRONMENTAL, INC.,
a California corporation

Dated: _____

By: _____

Name: _____

Title: _____

Attest: _____

Name: _____

Title: _____

APPROVED AS TO FORM AND LEGALITY
_____, 2013

JANNA B. SIDLEY,
ICTF General Counsel