

**AMENDMENT NO. 4 TO AGREEMENT BETWEEN
SAN DIEGO UNIFIED PORT DISTRICT
and
APEX COMPANIES, LLC
for
CHULA VISTA BAYFRONT SWPPP SERVICES
AGREEMENT NO. 148-2019MA**

The parties to this Amendment No. 4 to Agreement are the SAN DIEGO UNIFIED PORT DISTRICT, a public corporation (District) and APEX COMPANIES, LLC, a Delaware Limited Liability Company (Service Provider).

Recitals:

District and Service Provider are parties to an Agreement for Chula Vista Bayfront SWPPP Services. The Agreement is on file in the Office of the District Clerk as Document No. 70602 dated November 6, 2019, as amended by Amendment No. 1, Document No. 70989 dated March 4, 2020, as amended by Amendment No. 2, Document No. 71201 dated May 28, 2020, as amended by Amendment No. 3, Document No. 71951 dated November 4, 2020. It is now proposed to increase the Agreement amount by \$220,000.00 and to amend Attachment B, Compensation & Invoicing.

The Parties Agree:

1. Section 3.a. **Maximum Expenditure**, is hereby amended to increase the Agreement amount by \$220,000.00 from a total of \$759,922.80 to a new not to exceed total amount of \$979,922.80. The maximum expenditure of the Initial Term shall not exceed \$183,269.00 and the maximum expenditure of the 32-month Optional Term shall not exceed \$796,653.80.
2. **ATTACHMENT B, COMPENSATION & INVOICING**, Section 1.a.(4) Agreement Expenditure Summary Table shall be replaced with the following:

Description	Initial Term (11/12/2019- 11/11/2020)	Optional Term (3/10/2019- 11/11/22)
Operations and Maintenance (LTMP) at Chula Vista Bayfront Site 2 & 3 (Maximum)	\$108,269.00	-
As-Needed Services (Maximum)	\$75,000.00	\$796,653.80
TOTAL ANNUAL FEES		
Agreement not-to-exceed amount	\$183,269.00	\$796,653.80

3. All other Agreement terms, covenants, and conditions shall remain in full force and effect and shall be applicable to this Amendment.

SAN DIEGO UNIFIED PORT DISTRICT

APEX COMPANIES, LLC

Ernesto Medina
Chief Engineer, Engineering-Construction

Joseph Weslock

Joseph Weslock
Director/Division Manager

Approved as to form and legality:
GENERAL COUNSEL

By: Assistant/Deputy

A manually signed copy of this Amendment transmitted by email or any other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Amendment.

Certificate of Completion

Envelope Id: 47A93F2F0BBC40A08A33A06F56657D20	Status: Sent
Subject: Please DocuSign: Amendment No. 4 to Agreement No. 148-2019MA with Apex Companies, LLC.doc	
Source Envelope:	
Document Pages: 2	Signatures: 1
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Krystal Carranza
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	3165 Pacific Highway
	San Diego, CA 92101
	kcarranza@portofsandiego.org
	IP Address: 189.162.215.11

Record Tracking

Status: Original	Holder: Krystal Carranza	Location: DocuSign
5/3/2021 7:59:56 AM	kcarranza@portofsandiego.org	
Security Appliance Status: Connected	Pool: StateLocal	
Storage Appliance Status: Connected	Pool: San Diego Unified Port District	Location: DocuSign

Signer Events

Signer Events	Signature	Timestamp
Joseph Weslock	<i>Joseph Weslock</i>	Sent: 5/3/2021 8:20:46 AM
jweslock@apexc.com		Viewed: 5/3/2021 8:44:06 AM
Security Level: Email, Account Authentication (None)		Signed: 5/3/2021 3:01:00 PM
	Signature Adoption: Pre-selected Style	
	Using IP Address: 68.105.113.15	

Electronic Record and Signature Disclosure:

Accepted: 5/3/2021 8:44:06 AM
 ID: d7d9d9ff-2709-451d-907d-e9351afbd403
 Company Name: San Diego Unified Port District

Krystal Carranza	Sent: 5/3/2021 3:01:04 PM
kcarranza@portofsandiego.org	
Procurement Analyst I	
Port of San Diego	
Security Level: Email, Account Authentication (None)	

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

John Carter
 jcarter@portofsandiego.org
 Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Accepted: 5/3/2021 1:49:06 PM
 ID: ed7dedc4-d4dc-4474-8099-075397e376ce
 Company Name: San Diego Unified Port District

Ernesto Medina
 Emedina@portofsandiego.org
 Security Level: Email, Account Authentication (None)

Electronic Record and Signature Disclosure:

Accepted: 4/29/2021 9:05:23 AM
 ID: 4c6c9739-9139-4f52-9bf9-1e0ca0b0e697
 Company Name: San Diego Unified Port District

Signer Events	Signature	Timestamp
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ODCDocusign

Signing Group: ODCDocusign

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

In Person Signer Events	Signature	Timestamp
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Editor Delivery Events	Status	Timestamp
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Agent Delivery Events	Status	Timestamp
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Intermediary Delivery Events	Status	Timestamp
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Certified Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
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Abraham Pineda

apineda@portofsandiego.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

DocuSign Core Notify Group

DocuSign_Core_Notify@portofsandiego.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

OGC Incoming Docs

ogcincomingdocs@portofsandiego.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:
Not Offered via DocuSign

Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Envelope Sent

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5/3/2021 8:20:46 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure

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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

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If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact San Diego Unified Port District:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: rsanagus@portofsandiego.org

To advise San Diego Unified Port District of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at rsanagus@portofsandiego.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from San Diego Unified Port District

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to rsanagus@portofsandiego.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with San Diego Unified Port District

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to rsanagus@portofsandiego.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- Until or unless you notify San Diego Unified Port District as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by San Diego Unified Port District during the course of your relationship with San Diego Unified Port District.