

CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
AUSTIN, TEXAS

CONTRACT MODIFICATION

1. CONTRACT NO: 137666	2. CONTRACT MODIFICATION NO.: 11	3. EFFECTIVE DATE OF C.M. See Block 9	4. CONTRACTOR NAME: Herzog Transit Services, Inc.
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5. AGREEMENT TO MODIFY CONTRACT:

The parties hereto agree to modify the Contract identified in Block 1, above, as described in Block 10, below, pursuant to the terms and conditions of the Contract. Except as modified herein, all other provisions of the Contract (including, but not limited to, price, delivery, and completion date) remain unchanged.

6. AMOUNT OF THIS CONTRACT MODIFICATION: INCREASE

PRIOR TOTAL ESTIMATED NOT TO EXCEED PRICE: \$ 119,493,644.62
Add: Modification #11 (Not to Exceed): 238,591.20
NEW TOTAL ESTIMATED NOT TO EXCEED PRICE: \$ 119,732,235.82

7. TERM OR PERIOD OF PERFORMANCE: NO CHANGE

PRIOR:

NEW:

8. HERZOG TRANSIT SERVICES, INC. ("CONTRACTOR"):

Name & Title: Lance T. Davis, General Manager
(Print or type)

Signature: 

Date Executed: 10/3/17

9. CAPITAL METRO TRANSPORTATION AUTHORITY ("CAPITAL METRO"):

Name: 
Muhammad Abdullah, Contracting Officer
(Print or type)

Signature: 

Date Executed: 10/3/17

10. DESCRIPTION OF CONTRACT MODIFICATION:

This modification is in accordance with EXHIBIT E-Revised-7, Contractual Terms and Conditions, Section 14, entitled **CHANGES**, and adds the additional work detailed below:

Herzog will provide two (2) additional Railway Workers-In-Charge (RWICs) according to the following Scope of Services and Pricing:

Scope of Services: Herzog shall provide two (2) Roadway Workers In-Charge (RWICs) for a combined work week of 80 hours, (a work week is defined as Sunday through Saturday). RWICs shall support multiple projects throughout the CMTA Central Corridor as determined by CMTA. Overtime shall not be considered until all 80 RWIC hours have been utilized and CMTA has preapproved overtime hours in writing.

Herzog shall support CMTA projects with RWICs to include the following tasks:

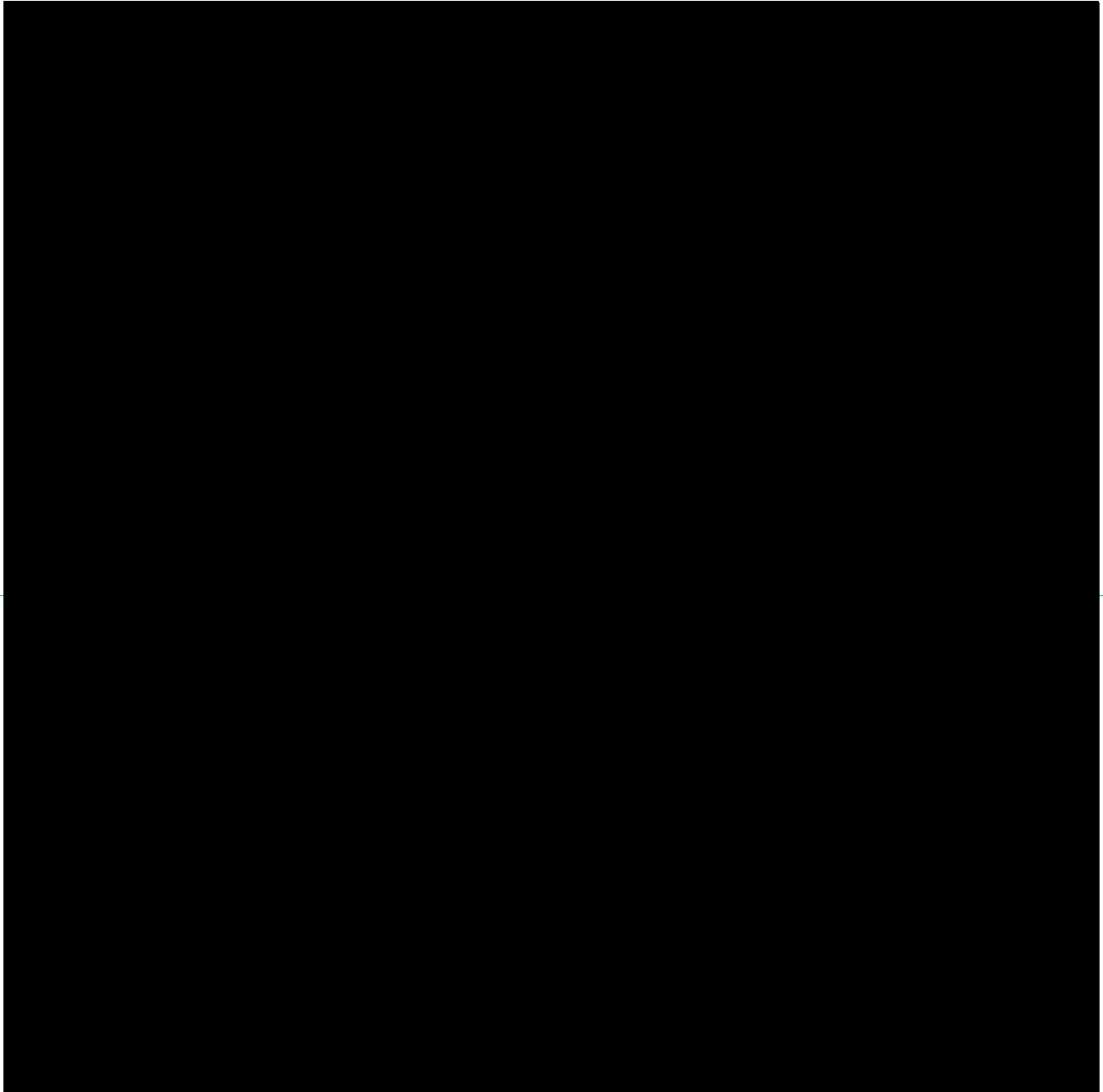
- Notify CMTA project representative immediately for any delay to the project, (for example, change/delay in train schedule, delay for hi-rail equipment, work window time, etc.).
- Provide supervision of personnel or equipment on, under, or over the railroad's tracks, structures, culverts, facilities, signals, and right-of-way (ROW).
- Support CMTA third party flagging needs.
- Any other activity that may impact rail services on CMTA property.

CMTA will schedule RWICs on a weekly basis. The RWICs shall be deployed as required to provide roadway worker protection and establish warning methods for the following:

- Notify personnel of the need to clear for trains/on-track equipment.
- Notify personnel when to occupy, clear, re-occupy the track and adjacent work area.
- Identify the place(s) of safety where personnel are assigned to go when clearing the track for traffic.
- Conduct job safety briefings to cover the aforementioned information.

RWICs shall confirm that each Roadway Worker has a valid Roadway Worker Protection card before work begins.

Pricing: Capital Metro accepts Herzog's detailed proposal dated September 20, 2017, which is attached hereto and incorporated herein for all pertinent purposes, for the Base Period 10/1/17-9/30/18 Pricing and the Option Period 1 10/1/18-9/30/19 Pricing, which is detailed below.



The amount stated above is the final contract modification amount agreed to by both parties. Upon receipt of payments totaling this amount, the Contractor, for itself, its successors and assigns will release, acquit and forever discharge Capital Metropolitan Transportation Authority (Capital Metro) from and against any claims, debts, demands, or cause of action which the Contractor has or may have had a result of furnishing labor, supplies, or materials for the change order stated above. This modification may be executed in multiple originals, and an executed facsimile or email copy shall have the same force and effect as the original document.

[END OF MODIFICATION #11]