

CONTRACT MODIFICATION

1. CONTRACT NO: 137666	2. CONTRACT MODIFICATION NO.: 13	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: \$ 119,815,844.82
Add: Modification #13 (Not to Exceed): 177,415.56
NEW TOTAL ESTIMATED NOT TO EXCEED PRICE: \$ 119,993,260.38

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: *Lance T. Davis*

Date Executed: 5 / 3 / 2018

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

E-SIGNED by Muhammad Abdullah

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

Signature: 

Date Executed: May 04, 2018

10. DESCRIPTION OF CONTRACT MODIFICATION:

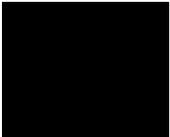
This modification is in accordance with EXHIBIT E-Revised-7, Contractual Terms and Conditions, Section 14, entitled **CHANGES**, and adds the additional work detailed below:

Scope of Work - Southbound Frontage Road of I-35

As further described in the attached Scope of Work dated 4/19/18 for the Southbound Frontage Road of IH-35, which is attached hereto and incorporated herein for all pertinent purposes, Contractor shall replace the railroad-grade surface at Clarkson Avenue/Interstate Highway 35 southbound frontage road, which is located on Capital Metro's Central Subdivision at MP 59.84.

Pricing

Capital Metro hereby accepts Contractors proposal dated 4/19/18, attached hereto and incorporated herein for all pertinent purposes, which utilizes the pricing in Exhibit A-2-Optional Pricing Worksheet, Line Item No. 002R for FY18 Base Yr 3 of  as follows:

Exhibit A-2, Item 002R, Base Yr 3:
Linear Footage per scope: 

Total Mod 13: 

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 #13]

April 19, 2018

Anita Deibert CPSM
Procurement Manager
Capital Metropolitan Transportation Authority
2910 East 5th Street
Austin, TX 78759

Re: Email Request for Proposal

Dear Ms. Deibert:

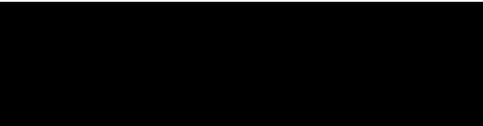
Per your request, please see the attached pricing proposal to improve the IH-35 crossing located on the Central Subdivision at MP 59.84. This proposal was created using the *revised* scope of work provided in the email request sent to HTSI on December 18, 2017. This pricing is consistent with contract 137666, Exhibit A-2 Optional Pricing.

Scope:

- Replacement of the railroad-grade crossing surface at the Clarkson Avenue/I-35 southbound frontage road.

Cost Breakdown:

Contract 137666 FY18 Pricing



Please contact me with any additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Lance Davis".

Lance Davis
General Manager

cc: Chad Davis

The remainder of Exhibit A – Pricing Schedule has been redacted.

For further information regarding Exhibit A, you may:

- Reach out to the Contractor directly via the Contractor contact details provided on the cover page of this contract.

OR

- Submit a public information request directly to PIR@capmetro.org.

For more information regarding the Public Information Act and submitting public information requests, follow this link to our website: <https://www.capmetro.org/legal/>

**EXHIBIT F
SOUTHBOUND FRONTAGE ROAD OF IH-35
SCOPE OF WORK**

1. GENERAL SCOPE

- 1.1 Capital Metropolitan Transportation Authority (Capital Metro) is seeking services to replace the railroad-grade crossing surface at the Clarkson Avenue / Interstate Highway 35 southbound frontage road. Construction is located on Capital Metro's Central Subdivision at milepost 59.84.
- 1.2 The work under this contract consists of furnishing, delivering, installing, constructing, tamping, and testing all new and revised materials required for the crossing improvement to the highway-grade crossing as described herein.
- 1.3 The following work is required at this location:
- 1.3.1 Construct and install 14 nine (9) foot sets of concrete crossing panels for 136RE rail. Crossing panels shall be tapered at both ends for dragging equipment.
 - 1.3.2 Install both field and gage side insulated concrete crossing panels.
 - 1.3.3 Replace 126 track feet (TF) of existing 115RE rail with new 136RE rail. Rail must have blank ends. Drilled rail will not be accepted.
 - 1.3.4 Install asphalt paving to transition from the new crossing to the existing road surface.
 - 1.3.5 Install six (6) inch perforated pipe under the crossing panels and to extend beyond track 10 feet.
 - 1.3.6 Install filter fabric
 - 1.3.7 Field welds and ultrasonic testing are required where rail is tied in, and the following product certifications and reports shall be provided to CMTA:
 - 1.3.7.1 Rail welding logs
 - 1.3.7.2 Rail de-stressing logs
 - 1.3.7.3 Rail weld inspection records
 - 1.3.9 Contractor shall install 138 new 7" x 9" x 10' ties on 18-inch centers through the crossing. Contractor shall provide complete Pandrol plate kits, rail anchors, new end plated No. 1 Grade 5 mixed hardwood ties, compromise weld kits, and fasteners.
 - 1.3.10 Contractor shall install 20 new 7" x 9" x 10' ties, end plated No. 1 Grade 5 mixed hardwood, on approaches on 18 inch centers., with thirty ties on either side of crossing.
 - 1.3.11 All ties shall be tamped with a small rail mounted mechanical tamper. Hand tamping will not be accepted. All ties must be box anchored outside of the crossing panels.
 - 1.3.12 The work shall include spiking, anchoring, welding, ultrasonic weld testing, tamping, crossing panel installation, paving, rail polishing, and cleaning up the job site at the end of construction. Rail welds shall be staggered by six (6) feet.

2. REQUIREMENTS

2.1 The Contractor shall:

2.1.1 Provide qualified maintenance of way personnel that are proficient in the below standards/practices, and provide written documentation that individuals are qualified:

- 2.1.1.1 FRA Part 213 Track Safety Standards
- 2.1.1.2 FRA Part 214 Roadway Worker Requirements
- 2.1.1.3 FRA Part 234 Highway-Rail Grade Crossing
- 2.1.1.4 FRA Part 236 Inspection, Maintenance, and Repair of Signal System and Devices
- 2.1.1.5 AREMA Recommended Practices
- 2.1.1.6 Paving Operations Training

2.2 The contractor shall adhere to the Capital Metro Configuration Management Plan.

3. CAPITAL METRO RESPONSIBILITIES

3.1 Capital Metro shall:

3.1.1 Provide Roadway Worker in Charge (RWIC)

3.1.2 Provide a project manager to conduct:

- 3.1.2.1 Project oversight
- 3.1.2.2 High-level guidance
- 3.1.2.3 Necessary decision-making
- 3.1.2.4 Shall act as the primary point of contact
- 3.1.2.5 Notify TxDOT a minimum of 72 hours prior to beginning any work on this project

4. CONTRACTOR RESPONSIBILITIES

4.1 Contractor shall:

4.1.1 Coordinate all work with Capital Metro.

4.1.2 Conform to the instructions provided by CMTA concerning work performed in the proximity of the right-of-way, required on-track safety training of personnel, permission for fouling of the right-of-way, flagging, personal protective equipment, and access to right-of-way facilities.

4.1.3 Conform to the requirements of the Federal Railroad Administration (FRA), and Texas Department of Transportation (TxDOT) for work performed in the proximity of the right-of-way and specifically for work that affects the operation and movement of trains on CMTA.

4.1.4 Communicate with Capital Metro to resolve issues, concerns, or conflicts encountered.

4.1.5 Before personnel can be on site, contractor shall:

4.1.5.1 File for a work permit at Capital Metro's web site <http://www.capmetro.org/RailROW>. All permit fees shall be waived.

4.1.5.2 Contact Herzog at 512-284-3954 to obtain Roadway Worker Protection (RWP).

4.1.6 Provide a project schedule with estimated start and finish dates for the work being performed within (14) days of notice to proceed (NTP). Work must be performed around any and all railroad activities.

4.1.7 Notify CMTA a minimum of **three (3)** weeks prior to any work to begin on this project.

4.1.8 Notify local law enforcement and EMS a minimum of 24 hours before any lane closures.

- 4.1.9 Work on this project can start after the last commuter train runs on Saturday morning at 1:00 AM and must be put back into service by Monday morning at 4:00 AM, with an advanced notice to the freight contractor to reschedule customer deliveries, (two [2] week notice may be required).
- 4.1.10 Provide all equipment, tools, materials, and labor for complete installation.
- 4.1.11 Supply all Pandrol plate kits, rail anchors, 7" x 9" x 10' ties, compromise weld kits, ballast, sub ballast, perforated pipe, tie anchors, asphalt, surfacing, filter fabric, crossing panels and fasteners, hot mix asphalt, and all required labor.
- 4.1.12 Crossing panels shall be pre-built on site before the road lanes are closed.
- 4.1.14 **TxDOT will provide and set up** Traffic Control Devices per the traffic control plan that has been established with the Texas Department of Transportation:
- 4.1.15 Saw cut the asphalt pavement 3'6" from the rail on both sides of the crossing.
- 4.1.16 Mill the asphalt paving to a minimum depth of four (4) inches on both sides of the crossing to the saw cut line as per TxDOT specifications.
- 4.1.17 Remove the existing track including rail, ties, panels, and OTM.
- 4.1.18 Ensure the sub-ballast is compacted to AREMA Recommended Practices.
- 4.1.19 Coordinate the inspection of the sub-ballast compaction with TxDOT for approval.
- 4.1.19.1 Install 126 track feet (TF) of 136RE rail with the following:
- 4.1.19.2 Install 138 - 7" x 9" x 10' ties under the concrete panels and 30 10, 10-foot transition ties on each end of the crossing.
- 4.1.19.3 All ties shall have Pandrol plate kits installed to secure the rail to the ties.
- 4.1.19.4 Weld the 136RE rail to the existing 115RE rail using compromise welds. Joints shall be staggered a minimum of six (6) feet.
- 4.1.20 Place ballast through crossing as required for track section using AREMA No. 4A Granite.
- 4.1.21 Install ADA compliant insulated concrete crossing panels, nine (9) foot long, per attached drawing Capital Metro Compliant Concrete Crossing Panel.
- 4.1.22 The systems shall be fully tested following installation. Testing shall be 'end-to-end,' rather than incremental, and shall follow the requirements of FRA CFR 49, Part 234, Grade Crossing Safety, the requirements of TxDOT, and the recommendations of AREMA. All testing shall be documented using the proper test forms. All documentation, shall be submitted to CMTA for approval no more than thirty days following the completion of installation testing.
- 4.1.23 Work shall include tamping and regulating track 100 feet beyond the crossing to comply with Track Safety Standards in CFR 49 Part 213, Track Safety Standards.
- 4.1.24 Contractor is responsible for delivery of materials to the designated staging area.
- 4.1.25 Provide the necessary QA/QC inspector to monitor quality of work.
- 4.1.26 Remove all construction debris at the conclusion of the work from the job site.
- 4.1.27 Understand that any work not specifically mentioned in the specifications, but which is necessary, either directly or indirectly, for the proper carrying out of the intent thereof, shall be required and applied, and shall perform all such work just as if it were particularly defined or described. Unless specifically mentioned above, all work shall conform to current BNSF/TxDOT track and signal standards.

4.2 The Work shall not be considered as completed until approval of the installation and the final crossing warning system testing is received by CMTA and TxDOT.

5. ROADWAY WORKER IN CHARGE

5.1 The Contractor, its employees and sub-contractors shall conform to the instructions provided by Capital Metro concerning work performed within twenty-five (25) feet of the existing right-of-way, required on-track safety training of personnel, permission for fouling of the right-of-way, flagging, personal protective equipment, and access to right-of-way facilities. A Roadway Worker in Charge (RWIC) must be on site when the Contractor performs work in the Capital Metro railroad right of way.

5.2 The Contractor shall conform to the requirements of the Federal Railroad Administration (FRA) and Texas Department of Transportation (TxDOT) for work performed in the proximity of the right-of-way and specifically for work that affects the operation and safety of the signal systems that govern the movement of trains on Capital Metro property.



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

April 16th, 2018

COUNTY: Travis
DOT No.: 765 800A
C - S - J: 0015-13-368
Project: CRX 15-13-368 2012 Replanking Project
HIGHWAY: IH 35 SB Frontage Road at Hancock
LOCATION: City of Austin

Work Order

Kevin Dunn, Program Manager MOW, Bridges & Structures
Capital Metropolitan Transportation Authority
9315 McNeil Road, Austin TX

Dear Mr. Dunn:

Complying with your request, you are hereby authorized to begin construction of signal and/or track work at the above referenced project no sooner than May 1st, 2018.

Please contact James Bailey at telephone number (512) 832-7118, a **minimum of seven days prior** to actual commencement of work, in order that our district forces may provide project management and inspection during construction. Any changes in your schedule or scope of work should be coordinated through this office. Your cooperation in this matter is appreciated.

Sincerely,

James Bailey
Railroad Coordinator
Austin District
(512) 832-7118

CC: Dalila Aguillon, FIN
Robert Travis, TRF-RSS

OUR VALUES: People • Accountability • Trust • Honesty

OUR MISSION: Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.

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Detailed Estimate* for Railroad Solicitation of Bids

Bidder Name Herzog Contracting Corp. Install 126 ft. (Type) Concrete

DOT No. 765800A in Travis County. Project No. 137666

Highway (FM, SH, US, etc.) Clarkson Ave in or near (City) Austin

Job Description	Qty.	U.M.	Labor	Cost per Unit	Total
Removal of Existing Xing Material (rails, ties, ballast)	NA	NA	NA	NA	\$
crossing panel	126	ft.	NA	\$ 202.34	\$ 25,494.84
filter fabric	126	ft.	NA	\$ 5.42	\$ 682.92
drain pipe	146	ft.	NA	\$ 2.13	\$ 310.98
field welds	10	ea	NA	\$ 142.00	\$ 1,420.00
ballast	150	ton.	NA	\$ 29.13	\$ 4,369.50
ties	138	ea	NA	\$ 141.66	\$ 19,549.08
rail	126	ft.	NA	\$ 95.53	\$ 12,036.78
plates, spikes, OTM	1	LS	NA	\$ 50,690.11	\$ 50,690.11
Material Handling Please check one: <input checked="" type="checkbox"/> Actual Cost or <input type="checkbox"/> 5%	NA	NA	NA	NA	\$ 62,861.35
Installation of Xing	NA	NA	\$	NA	\$
Travel & Personal Expenses	NA	NA	NA	\$	\$
Equipment Rental	NA	NA	\$	\$	\$
Public Liability Property Damage Insurance	NA	NA	NA	NA	\$
Disposal of Materials	NA	NA	\$	NA	\$
Total:					\$ 177,415.56

* Refer to Exhibit A for maximum number of construction days and weekend or weekday work.

NOTE: Proper equipment (tamping machines, backhoes, etc.) **must** be used when installing the crossing materials. Hand tamping machines are **not** acceptable.