

CONTRACT MODIFICATION

1. CONTRACT NO: 137666	2. CONTRACT MODIFICATION NO.: 14	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: \$119,993,260.38

Add: Modification #14: \$ 572,977.92

New Total Estimated Not to Exceed Price: \$120,566,238.30

7. TERM OR PERIOD OF PERFORMANCE: NO CHANGE

PRIOR:
NEW:

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

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

Signature: 

Date Executed: 10/01/2018

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

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

Signature: 

Date Executed: 10/2/2018

10. DESCRIPTION OF CONTRACT MODIFICATION:

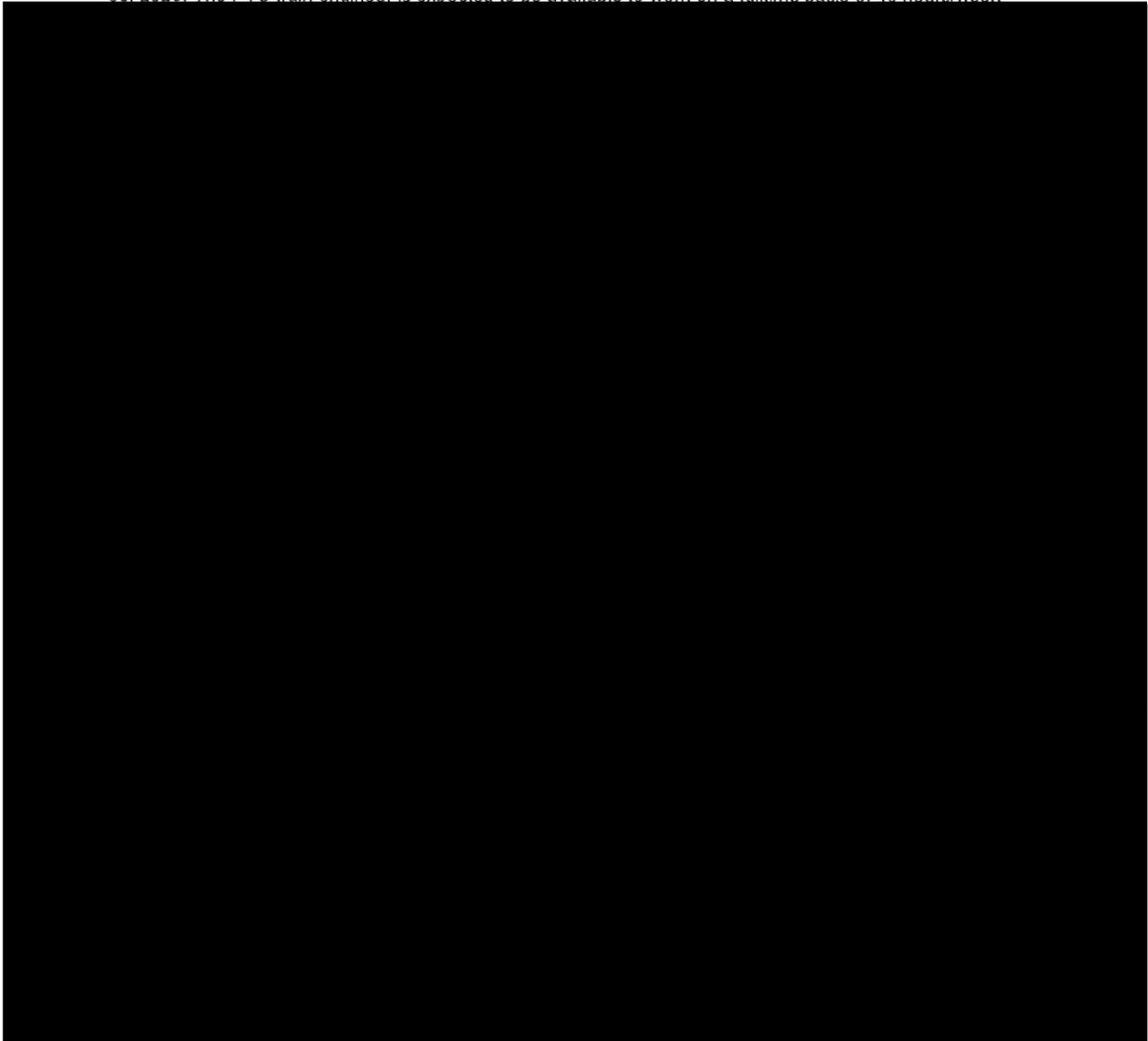
This modification is in accordance with EXHIBIT E-Revised-9, Contractual Terms and Conditions, Section 14, entitled **CHANGES**, and adds the additional work detailed below:

Scope of Services. As further described in the attached Scope of Services dated 9/26/18, Contractor shall, identify and provide two (2) positions to directly support CMTA's PTC Implementation project with qualified and experienced personnel. The positions that will be provided are as follows:

PTC Dispatcher: One (1) personnel shall be identified as the PTC dispatcher. The PTC dispatcher shall be trained to support PTC dispatch operations during system Integration testing also known as dynamic testing and Revenue Service Demonstration (RSD) or until System Certification. The PTC dispatcher will be required to attend all necessary PTC training provided by CMTA PTC System Integrator and their contractors, and meet all the requirements set forth in Contract no. 137666, Commuter Rail – Operations, Dispatch & Maintenance for a dispatcher mutually agreed to, between CMTA and Herzog. The PTC dispatcher shall start covering the PTC project from January 31, 2019 or when contractor is able to provide PTC dispatcher, whichever occurs first through the end of RSD or until System Certification which is currently scheduled to occur by June 30, 2020. The PTC dispatcher is expected to be available to work on a fulltime basis of 40 hours/week.

PTC Train Engineer (Cab Driver) One (1) personnel shall be identified as the PTC train engineer. The PTC train engineer shall attend all necessary PTC training provided by CMTA PTC System Integrator and their contractors. The PTC train engineer shall must meet all the qualifications set forth in Contract no. 137666, Commuter Rail – Operations, Dispatch & Maintenance for a train engineer mutually agreed to, between CMTA and Herzog. The PTC train engineer shall start covering the PTC project from January 31, 2019 or when contractor is able to provide PTC dispatcher,

whichever occurs first through the end of RSD or until System Certification which is currently scheduled to occur by June 30, 2020. The PTC train engineer is expected to be available to work on a fulltime basis of 40 hours/week



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 #14]



Scope of Services
Herzog – Contract 137666
Modification 14

1. PROJECT DEFINITION:

(a) Capital Metropolitan Transportation Authority (“Capital Metro” or “the Authority”) is a public agency responsible for providing mass transit service within the City of Austin and the surrounding communities of Leander, Lago Vista, Jonestown, Manor, San Leanna, and Point Venture, as well as the unincorporated area of Travis County within Commissioner Precinct 2 and the Anderson Mill area of Williamson County. Capital Metro services include bus, rail, ride-share programs, special events services, and special transit services for the mobility impaired.

(b) Capital Metro is required by Federal Legislation, the Rail Safety Improvement Act (RSIA) of 2008, and the corresponding implementing rules promulgated by the Federal Railroad Administration (FRA) (i.e., Title 9 Code of Federal Regulation Part 236, Subpart I) to install and have operational an interoperable Positive Train Control System (PTC) by December 31st, 2018. PTC is a collision avoidance system that shall provide a first warning to train operators, through use of “integrated cab signal controls, communications, and an information system” that will intervene to stop a train before a collision or other hazardous train movement can occur. PTC refers to technology that can prevent train-to-train collisions, over-speed derailments, and casualties or injuries to roadway workers operating within their limits of authority, resulting from an unauthorized incursion by a train. The Capital Metro PTC Implementation Project will install an FRA “Type” approval PTC solution, referred to as Enhanced Automatic Train Control (E-ATC) overlaid on the CTC system. E-ATC is an automatic train control system where the train speeds and train spacing are automatically controlled using cab signal track codes which are enforced by the On-Board Computer (OBC) in the vehicle. Enforced stop codes can also be generated by the Train Dispatcher (or automatically) from the control office for work block protection or when notified about a potential unsafe situation such as a crossing warning system malfunction. Overall freight and commuter rail operation safety will be improved with the implementation of PTC (E-ATC).

2. PURPOSE OF THIS TASK ORDER:

Capital Metro is requesting a proposal from Herzog to identify personnel they plan to use to support the implementation of the CMTA PTC system in a development and Integration environment.

3. TASKS

Herzog shall:

3.1. Upon signature of the contract modification, Herzog shall, identify and provide within four (4) months, two (2) employees to directly support CMTA’s PTC Implementation project with qualified and experienced personnel. The positions that will be provided are as follows:

3.1.1. PTC Dispatcher: One (1) personnel shall be identified as the PTC dispatcher. The PTC dispatcher shall be trained to support PTC dispatch operations during system Integration testing also known as dynamic testing and Revenue Service Demonstration (RSD) or until System Certification. The PTC dispatcher will be required to attend all necessary PTC training provided by CMTA PTC System Integrator and their contractors, and meet all the requirements set forth in Contract no. 137666, Commuter Rail – Operations, Dispatch & Maintenance for a dispatcher mutually agreed to, between CMTA and Herzog. The PTC dispatcher shall start covering the PTC project from January 31, 2019 or when contractor is able to provide PTC dispatcher,



whichever occurs first through the end of RSD or until System Certification which is currently scheduled to occur by June 30, 2020. The PTC dispatcher is expected to be available to work on a fulltime basis of 40 hours/week.

- 3.1.2. PTC Train Engineer (Cab Driver) One (1) personnel shall be identified as the PTC train engineer. The PTC train engineer shall attend all necessary PTC training provided by CMTA PTC System Integrator and their contractors. The PTC train engineer shall must meet all the qualifications set forth in Contract no. 137666, Commuter Rail – Operations, Dispatch & Maintenance for a train engineer mutually agreed to, between CMTA and Herzog. The PTC train engineer shall start covering the PTC project from January 31, 2019 or when contractor is able to provide PTC dispatcher, whichever occurs first through the end of RSD or until System Certification which is currently scheduled to occur by June 30, 2020. The PTC train engineer is expected to be available to work on a fulltime basis of 40 hours/week
- 3.3. Herzog may evaluate existing qualified personnel for positions under this project scope of services. Herzog may submit its recommended list to CMTA for approval.
- 3.4. All identified personnel may be required to perform additional functions such as data collection, data logging, fault logging etc.
- 3.5. All identified personnel shall attend all necessary meetings and training as required by CMTA. After receiving training, Herzog shall maintain and provide CMTA, attendance, test results and materials, if such documents are made available to Herzog.

4. CAPITAL METRO RESPONSIBILITY

- 4.1. CMTA shall provide a Project Manager for the following:
 - 4.1.1. Project Oversight
 - 4.1.2. High level guidance
 - 4.1.3. Necessary decision-making
 - 4.1.4. Primary Point of Contact
 - 4.1.5. CMTA staff members assigned to the project
 - 4.1.6. CMTA PTC System Integrator and their contractors

End of Statement of Services



Mailing Address: PO BOX 81516
Austin, TX 78708
Shipping Address: 9315 McNeil Rd
Austin, TX 78758

August 13, 2018

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

Re: Support Personnel for Positive Train Control (PTC)

Dear Ms. Deibert:

We have reviewed the scope of work for the addition of two (2) Support Personnel for Positive Train Control (PTC) to the base contract 137666. Please find the attached price proposal for the addition of two (2)-support personnel based on the scope provided.

We do have some mark-ups to the scope, could you please send me an editable version I can mark-up and track changes?

Please do not hesitate to contact me if you have any questions regarding the proposal.

Sincerely,

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

Lance Davis
General Manager

cc: David Dech
Muriel Friday
Ted Uwague

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/>