

CONTRACT MODIFICATION

1. CONTRACT NO: 137666	2. CONTRACT MODIFICATION NO.: 19	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: NO CHANGE

7. TERM OR PERIOD OF PERFORMANCE: NO CHANGE

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

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

Signature: 

Date Executed: 2/19/2019

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

Name: Sean Wigham, Contracting Officer
(Print or type)

Signature: 

Date Executed: 2/19/2019

10. DESCRIPTION OF CONTRACT MODIFICATION:

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

- A. This Modification 19 is to document an even swap of deliverables for Base Year 4 (FY19) of the Contract only, to add an additional five grade crossings in lieu of installing approximately two miles of replacement rail, per Exhibit F-Revised-5, Section 10. MAINTENANCE OF WAY SERVICES (CONSISTS OF TRACK, BRIDGES, AND CROSSINGS).
1. Please see Exhibit F-Revised-5, Section 10.2.1. Install 21,100 linear feet of new 115# or 136# rail Anchor and spike two track miles. This modification shall remove this requirement for Base Year 4 (FY19) of the Contract only. The location of replacement rail that will not be installed shall be designated by Capital Metro and updated in the Maintenance of Way (MOW) Plan for Base Year 4 (FY19).
 2. Please see Exhibit F-Revised-5, Section 10.2.4. Replace two grade crossings (all associated materials). This modification shall change this requirement for Base Year 4 (FY19) of the Contract only, to add an additional five (5) grade crossings (all associated materials), not to exceed 614 LF total, to be replaced prior to September 30, 2019, for a new replacement total of seven (7) grade crossings (all associated materials). The locations of the grade crossings to be replaced shall be designated by Capital Metro and updated in the Maintenance of Way (MOW) Plan for Base Year 4 (FY19).
- B. This modification also reiterates the replacement rail to be completed through Modification 17 remains in effect, to be completed prior to September 30, 2019.

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 #19]