

CONTRACT MODIFICATION

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|---------------------------|-------------------------------------|--|--|
| 1. CONTRACT NO: 137666 | 2. CONTRACT MODIFICATION NO.: 27 | 3. EFFECTIVE DATE OF C.M. See Block 9 | 4. CONTRACTOR NAME: Herzog Transit Services, Inc. |
|---------------------------|-------------------------------------|--|--|

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: \$130,107,815.96

Add: Modification #27: \$ 253,111.68

New Total Estimated Not to Exceed Price: \$130,360,927.64

7. TERM OR PERIOD OF PERFORMANCE:

NO CHANGE

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

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

Signature: 

Date Executed: 9/30/2019

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

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

Signature: 

Date Executed: 10/1/2019

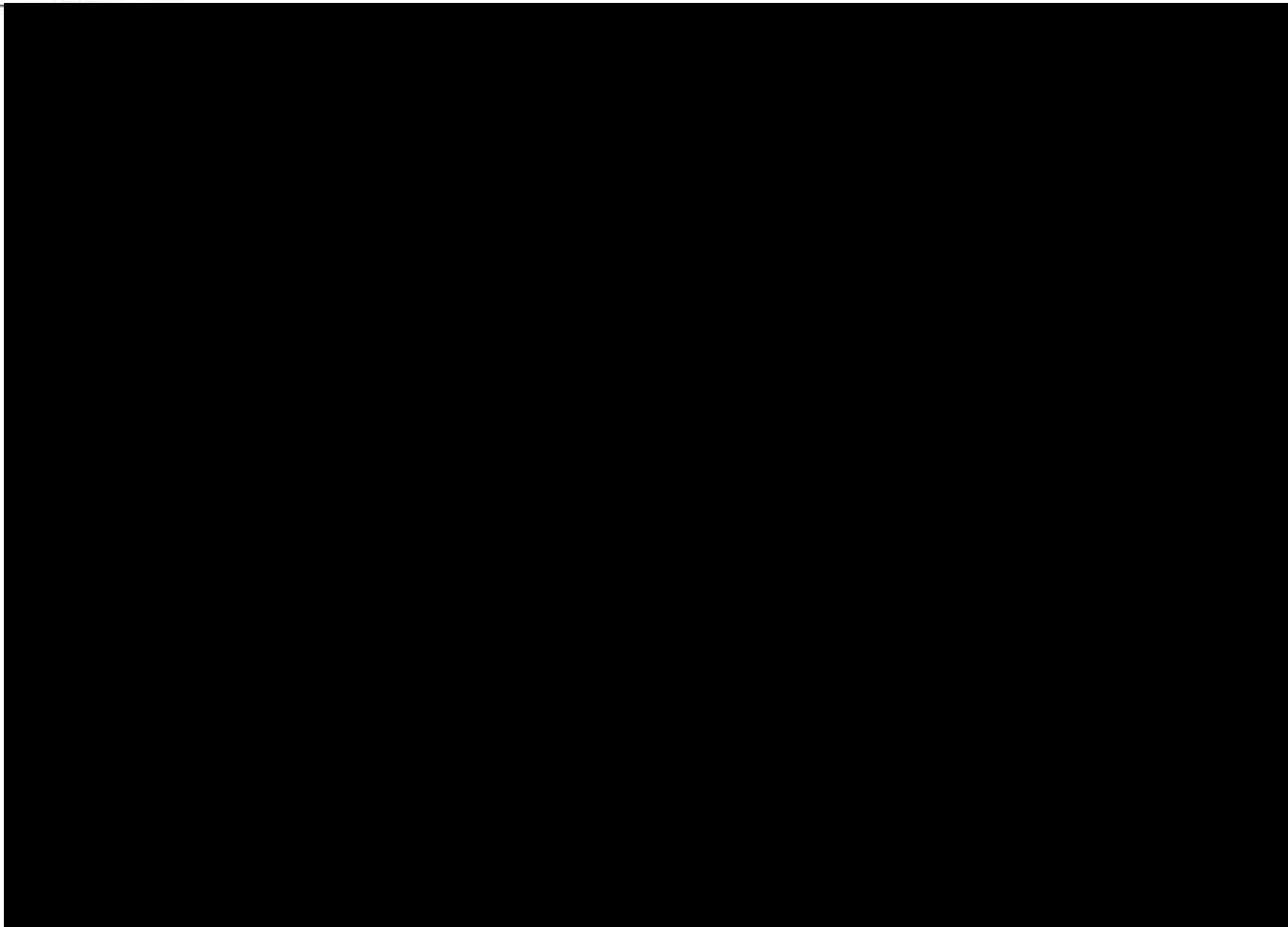
10. DESCRIPTION OF CONTRACT MODIFICATION:

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

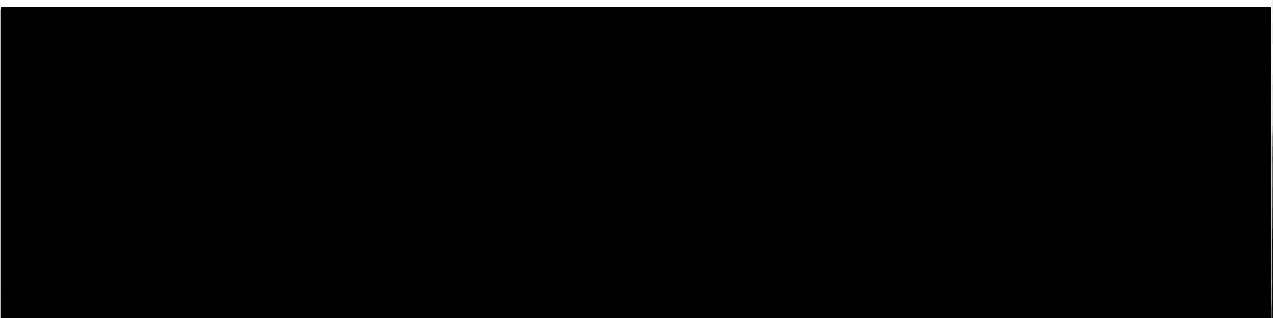
1. A Roadway Worker in Charge (RWIC) (formerly Employee in Charge (EIC)) is a qualified roadway worker designated to direct or restrict the movement of trains past a point on a track to provide on-track safety for roadway workers who are engaged solely in performing that function. Herzog Transit Services, Inc. is the contractor responsible for rail commuter operations and maintenance in the Central Corridor of Capital Metro's rail line and is required to provide dedicated and qualified RWICs.

This modification continues the services identified in Modification #11 (Base Period 10/1/17 - 9/30/18) and Modification #16 (Option Period 10/1/18 - 9/30/19) for Herzog continue to 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). The RWICs will support multiple projects throughout the Central Corridor as determined by CMTA. Overtime shall not be considered until all 80 hours have been utilized and CMTA has preapproved overtime hours in writing.

Pricing: Capital Metro accepts Herzog's price proposal received via email September 26, 2019, in response to Scope of Work provided September 13, 2019, attached hereto, for pricing referenced below and incorporated herein for all pertinent purposes, for Base Period - 10/1/2019 through 9/30/2020, Option Period 1 - 10/1/2020 through 9/30/2021, and Option Period 2 - 10/1/2021 through 9/30/2022. The amount processed through this modification is for Base Period - 10/1/2019 through 9/30/2020 only. Option Periods will be executed through subsequent modifications as necessary. Pricing is summarized as follows:



2. Refer to **Modification #14**. This modification also makes the following change to Modification #14 only, for referenced section 3. October 1, 2019 - June 30, 2020, from 1-PTC Dispatcher and 1-PTC Train Engineer to 0-PTC Dispatcher and 2-PTC Train Engineers, as referenced below and incorporated herein for all pertinent purposes. Since the positions are the same price, there is no change in pricing associated with this modification (\$0) and all other aspects of Modification #14, including Scope of Work, excluding PTC Dispatcher, remain the same:



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 #27]

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/>

SCOPE OF WORK
CAPITAL METRO RAILROAD - CENTRAL SUBDIVISION
ROADWAY WORKER IN-CHARGE (RWIC)

Herzog shall provide two (2) Roadway Worker In-Charge (RWIC) for a combined work week of 80 hours, (a work week is defined as Sunday through Saturday). RWIC's 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 RWIC's to include the following tasks:

- Notify CMTA Project Manager 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.
- Place the REZ and Permit number in the note section of timesheet. The number will be provided by the project manager.

CMTA will schedule RWIC's on a weekly basis. The RWIC's 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.

Herzog shall provide CMTA a RWIC training plan for review and approval within ten (10) days following execution of this contract modification, specifically including:

- Training Course Outline
- Syllabus
- Hours of Training for each Topic

- Fall Protection PowerPoint
- Fall Protection Safety Program
- Hands-on Practical Exam
- Criteria Samples Exam
- On Track Protection
- Bridge Inspection Training Document

Herzog shall provide CMTA with the credentials of the RWIC Trainer(s) within ten (10) days following executing of this contract modification, to include:

- Two (2) years management experience.
- Last two (2) years of instructor's GCOR tests.
- Last two (2) years of instructor's Safety Roadway Worker Protection tests.

Within thirty (30) days of approved training plan, each RWIC shall be General Code of Operating Rules (GCOR) and territory qualified. Before beginning any work under the contract, each RWIC shall successfully complete training provided by Herzog at no cost to CMTA.

Herzog shall confirm that each RWIC has a valid Roadway Worker Protection card before work begins. Training documents shall be signed by the trainer when completed. Herzog MOW Program Manager shall verify the RWIC's successfully completed training and shall submit all completed testing documents to CMTA before the RWIC can be deployed.

Herzog shall perform efficiency testing of each RWIC and records submitted to CMTA within five (5) working days of testing. RWIC's shall be retrained every twelve (12) months. In the event new regulations are implemented, Herzog shall provide CMTA an updated training program within seven (7) days.

All documents pertaining to contractor permits and scheduling calendar shall be maintained on CMTA's SharePoint site.