

**CONTRACT MODIFICATION**

1. CONTRACT NO: 137666	2. CONTRACT MODIFICATION NO.: 41	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:	\$	133,287,030.70
Modification #41	\$	1,226,549.70
NEW TOTAL ESTIMATED NOT TO EXCEED PRICE:	\$	134,513,580.40

**7. TERM OR PERIOD OF PERFORMANCE: NO CHANGE**

PRIOR: September 30, 2022  
NEW: September 30, 2022

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

Name & Title: Lance Davis General Manager Signature: Lance T. Davis  
(Print or type) Date Executed: 12-30-20

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

Name: Muhammad Abdullah, C.P.M., CTCM, Chief Contracting Officer Signature: E-SIGNED by Anita Deibert on 2020-12-30 17:53:20 GMT  
(Print or type) Date Executed: December 30, 2020

**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:

- (a) Contractor to perform undercutting services for 2.86 track miles (TM) per Scope of Work dated 12/16/2020, as revised, with services to be completed by 9/30/2021, attached hereto and incorporated herein for all pertinent purposes, and per pricing identified in Exhibit A-2-Optional Pricing Worksheet - Revised 4, Line Item No. 002L, FY21 Base Yr 6, as referenced below, in a total amount not-to-exceed [REDACTED]



*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 #41**

# **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](mailto: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**  
**Undercutting on Central Sub-division**  
**CMTA Railroad ROW**  
**FY21 Base Year 6**  
**12/16/2020 - Rev. 12/22/2020**

Maintenance of the ballast layer directly below the ties is an essential part of a healthy track structure. Ballast on some segments of Capital Metro ROW has degraded over time and become increasingly fouled reducing its ability to drain, provide adequate load bearing support and withstand vertical, lateral and longitudinal forces.

Undercutting is needed on fouled segments to restore the desired ballast properties after becoming fouled. Undercutting is needed to excavate the material beneath the ties. The material excavated can either be fully wasted or used as a fill material in the low-lying areas within the ROW. Capital Metro's Railroad ROW for Central Sub-division (Passenger Rail) infrastructure has multiple areas that have contaminated ballast. The contaminated segments are listed below:

1. ~~MP 73.97 to MP 74.53~~ ————— 0.56 Mile
2. ~~MP 85.00 to MP 87.30~~ ————— 2.30 Miles

**1. MP 60.61 to MP 63.47**

**Total** **2.86 Miles**

- Exact locations will be determined upon track inspections.
- The contaminated segments of ballast will be treated with undercutting and providing new ballast.
- The undercutting operation will be carried out by an On-track lifter Undercutter.
- Granite Ballast, as per 'Gradation Specification Envelope' will be used for replacement.
- The segments will be tamped and regulated.
- 12-hour work windows will be allowed on weekends and the prioritization of selection of areas for undercutting will be subject to PTC cut-over preference and coordination with the MRS staff and crew and work around PTC schedule.
- About 800 LF to 1000 LF will be completed per day of work.
- Slow Orders will be issued for 24 hours after track is back in service.
- Services to be completed by September 30, 2021.