

CONTRACT MODIFICATION

1. CONTRACT NO: 200743 Electric Buses and Chargers	2. CONTRACT MODIFICATION NO: 1	3. EFFECTIVE DATE OF C.M. See Block 9. below	4. CONTRACTOR NAME: New Flyer of America
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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. CONTRACTOR'S EXECUTION:

Name & Title: Jennifer McNeill, Vice-President, Sales & Marketing
(Print or type)

Signature: 

Date Executed: Mar 28, 2022

9. CONTRACTING OFFICER'S EXECUTION:

Name & Title: Tracee Metterle, Contracting Officer
(Print or type)

Signature: *Tracee Metterle*

Date Executed: March 28, 2022

10. DESCRIPTION OF CONTRACT MODIFICATION:

This modification is made in accordance with Exhibit E - Revised-1, Contractual Terms and Conditions, Section 12, CHANGES, to be made a part hereof for all pertinent purposes.

Quantity of 14 Base Period Order of 26 40-foot Electric Buses	
Number	Description
1	Change the battery energy storage system from Gen 3 batteries with capacity 525kWh to Gen 2 with capacity 466kWh.
2	Maintain the Advanced Battery Packaging.
3	Maintain the ELFA3 traction motor.

Delivery Schedule Change for Quantity of 14: the new delivery date is no later than December 31, 2022.

Quantity of 12 Base Period Order of 26 40-foot Electric Buses	
Number	Description
1	Change the battery energy storage system from Gen 3 batteries with capacity 525kWh to ABS batteries with 654kWh.

Delivery Schedule Change for Quantity of 12: the new delivery date is no later than July 31, 2023.

For and in consideration of the amount stated above, which is the final contract modification amount agreed to by both parties, the receipt of and sufficiency of which is hereby acknowledged and confessed. The contractor has released, acquitted, and forever discharged and by the presents does for itself, its successors and assigns 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 orders stated above. This modification may be executed in multiple originals, and an executed facsimile shall have the same force and effect as an original document.

END OF MODIFICATION 1