

STATE OF TEXAS

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COUNTY OF FORT BEND

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**AMENDMENT TO AGREEMENT FOR PURCHASE OF TRANSIT VEHICLES
PURSUANT TO RFP 22-034**

THIS AMENDMENT to the Agreement for Purchase of Transit Vehicles is made and entered into by and between FORT BEND COUNTY ("COUNTY"), a body corporate and politic under the laws of the State of Texas, acting by and through the Fort Bend County Commissioners Court and CREATIVE BUS SALES, INC., ("CONTRACTOR"), authorized to conduct business in the State of Texas, hereinafter collectively referred to as "Parties."

WITNESSETH

WHEREAS, County and Contractor entered into an agreement for the purchase of transit vehicles pursuant to RFP 22-034 on October 25, 2022; and

WHEREAS County and Contractor desire to amend said Agreement to adjust to increases in the cost of materials due to availability of materials needed to satisfy obligations under the agreement, as provided herein.;

NOW, THEREFORE, in consideration of the foregoing, the Agreement between County and Contractor is hereby amended to provide as follows:

1. Compensation and Payment

Contractor's fees shall be increased by seventy-one thousand, six hundred eighty-one dollars and no/100 (\$71,681.00), calculated at the rates set forth in Attachment A. The Maximum Compensation for contract services is increased to twenty-six million, seventy-three thousand, four hundred seventy-one dollars and no/100 (\$26,073,471.00). In no case shall the amount paid by County per Service Event under this Agreement exceed the Maximum Compensation without an approved change order.

Contractor understands and agrees that the Maximum Compensation stated is an all-inclusive amount and no additional fee, cost or reimbursed expense shall be added whatsoever to the fees stated in the Attachment A.

2. Limit of Appropriation

Contractor clearly understands and agrees, such understanding and agreement being of the absolute essence of this Agreement, that County shall have available the total maximum sum of twenty-six million, seventy-three thousand, four hundred seventy-one dollars and no/100 (\$26,073,471.00) specifically allocated to fully discharge any and all liabilities County may incur.

Contractor does further understand and agree, said understanding and agreement also being of the absolute essence of this Agreement, that the total maximum compensation that Contractor may become entitled to and the total maximum sum that County may become liable to pay to Contractor shall not under any conditions, circumstances, or interpretations thereof exceed twenty-six million, seventy-three thousand, four hundred seventy-one dollars and no/100 (\$26,073,471.00).

3. Conflict

Except as modified herein, the Agreement remains in full force and effect and has not been modified or amended. If there is a conflict between this Amendment and the Agreement, the provisions of this Amendment shall prevail.

{EXECUTION PAGE FOLLOWS}

IN WITNESS WHEREOF, the parties hereto have signed or have caused their respective names to be signed to multiple counterparts.

FORT BEND COUNTY

KP George, County Judge

Date

ATTEST:

Laura Richard, County Clerk

REVIEWED by:

Perri L. D'Armond
Fort Bend County Public Transportation Director

CREATIVE BUS SALES, INC.

Nick Corley

Authorized Agent- Signature

Nick Corley

Authorized Agent- Printed Name

Transit Bid Manager

Title

8/16/23

Date

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$_____ to accomplish and pay the obligation of Fort Bend County under this contract.

Robert E. Sturdivant, County Auditor

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ATTACHMENT A

Price Increase Letter

June 27, 2023
Fort Bend County
Attn: Procurement Department

RE: Contract RFP: 22-034

Model 1 (dba Creative Bus Sales), would like to formally submit the price increase for Contract ID 22-034. This will cover the current two orders: PO #220525 and PO #224199. The request is based on the increased cost of body construction materials and components, as well as labor, freight surcharges and on the increase with the chassis costs from Ford, as discussed.

Mobility Trans did not receive the chassis allocation as hoped due to the timing of the order bank, submittals and Ford's production rate. However, we have identified 5 chassis from another OEM that we are able to utilize for this build. There is an increased cost for the chassis as well as the van conversions, partly due to the option content for these particular chassis. Please note and per my discussions with Thomas, that these chassis are single rear wheel versus dual rear wheel. There are no concerns with remaining under the GVWR for these van conversions.

Below is an outline of the cost increases that are being passed on from Ford and Mobility Trans. In an effort to continue our partnership with Fort Bend County, Model 1 is will to cover 50% of the conversion price increase for the first order of two vans.

Chassis Pricing

- \$44,687.00 was the Original Chassis Pricing
- \$48,292.00 is the pricing for the available 2023 Chassis
- **Delta is \$3,605.00**
 - (Please note that if these were 2024 chassis the chassis price would be \$53,776.00)
- Conversion Pricing from Mobility Trans based on building on these other chassis in July has an increase of \$13,414.00

**MODEL 1 COMMERCIAL VEHICLES**

9225 Priority Way W. Dr.

Suite 300

Indianapolis, IN 46240

We are requesting the following increases:

Listing of Awarded Item(s)

Vehicle Description	Current Contract Price	New Contract Price
PO #220525-2023 Transit Vans-Mobility Trans-Using Single Rear Wheel T350 Chassis. Model 1 will pay \$6,707.00 which is 50% of the conversion price increase. *Quantity (2)	\$189,698.00	\$210,322.00
PO #224199-2023 Transit Vans-Mobility Trans-Using Single Rear Wheel T350 Chassis *Quantity (3)	\$284,547.00	\$335,604.00

Model 1 thanks you in advance, for your review and consideration of this request. Our manufacturers understand the impact price increases create for our partners and strive to manage costs while minimizing any price increases to end users.

As the nation's largest transit vehicle dealership network, our focus continues to be on better serving our existing customers along with the ability to offer unparalleled sales, service and support. We look forward to a continued partnership with Fort Bend County and exceeding your expectations.

Sincerely,

Nick Corley

Transit Bid Manager

Ncorley@creativebussales.com

678-428-3356