

STATE OF TEXAS

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COUNTY OF FORT BEND

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**AMENDMENT NO. 5 TO TRANSPORTATION SERVICES AGREEMENT
BETWEEN FORT BEND COUNTY AND FIRST TRANSIT, INC.
RFP 11-079**

THIS FIFTH AMENDMENT is entered into by and between Fort Bend County, (hereinafter "County"), a body corporate and politic under the laws of the State of Texas, and First Transit, Inc., (hereinafter "Contractor"), a company authorized to conduct business in the State of Texas.

THAT, WHEREAS, the parties have executed and accepted that certain Transportation Services Agreement between Fort Bend County and First Transit, Inc., on November 22, 2011, and as amended on December 20, 2011, February 28, 2012, November 28, 2014; and on September 27, 2016 (hereinafter the "Agreement"), attached hereto as Exhibit "A" and incorporated by reference; and

WHEREAS, County desires that Contractor provide Services pursuant to RFP 11-079; and

WHEREAS the parties desire to further amend the Agreement to make changes to the performance standards and extend the term of the Agreement;

NOW, THEREFORE, the parties do mutually agree as follows:

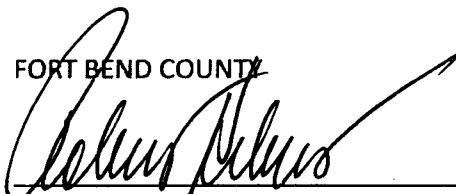
1. Exhibit C of the Agreement is replaced with "Exhibit C – 5th Amendment New Fort Bend County Performance Standards", attached hereto and incorporated by reference.
2. The term of the Agreement shall be extended to September 30, 2018.
3. This Amendment shall be in effect as of the date of full execution of signatures by both Parties.

Except as provided herein, all terms and conditions of the Agreement shall remain unchanged.

{Execution Page Follows}
{Remainder Intentionally Left Blank}



FORT BEND COUNTY

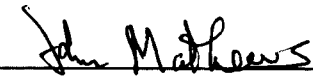

Robert E. Hebert, County Judge
11-7-2017

ATTEST:


Laura Richard, County Clerk



FIRST TRANSIT, INC.


Authorized Agent- Signature

John Matheers
Authorized Agent- Printed Name

Region Vice President
Title

10-26-17
Date

AUDITOR'S CERTIFICATE

I hereby certify that funds in the amount of \$ 4,900,000⁰⁰ are available to pay the obligation of Fort Bend County within the foregoing Agreement.


Robert Ed Sturdivant, County Auditor

EXHIBT A: 5th Amendment New Performance Standards
EXHIBIT B: Transportation Agreement with First Transit including:
First Amendment to Transportation Agreement,
Second Amendment to Transportation Agreement,
Third Amendment to Transportation Agreement and
Fourth Amendment to Transportation Agreement

FIFTH AMENDMENT

NEW FORT BEND COUNTY PERFORMANCE STANDARDS

INCENTIVE MEASURE	NEW INCENTIVE AMOUNT	
	Incentive	Disincentive
<u>Safety & Security</u>		
NTD Reportable Incidents <1.5 per 100,000miles	\$ -	\$ -
	\$ -	\$ (2,250)
<u>Vehicle Failures</u>		
Exceed Goal: 10,000 miles between failures	\$ 2,250	\$ -
Goal: 5,000 - 9,999 miles between failures	\$ -	\$ -
Fail to Meet Goal: County fleet average is less than 5 years at beginning of quarter – less than 5,000 between failures	\$ -	\$ (4,250)
Fail to Meet Goal: County fleet average is over 5 years at beginning of quarter – less than 4,500 between failures	\$ -	\$ (4,250)
<u>Maintenance (PM)</u>		
Goal: 95% - 100% on time	\$ -	\$ -
Fail to Meet Goal: Less than 95% on time	\$ -	\$ (4,250)
<u>DR/NF - OTP</u>		
95%-100% OTP	\$ 3,000	\$ -
90%-94.99% OTP	\$ 1,500	\$ -
85%-89.99% OTP	\$ -	\$ -
80%-84.99% OTP	\$ -	\$ (3,000)
Below 80% OTP	\$ -	\$ (4,500)
<u>CB/MB - OTP (for all stops)</u>		
95%-100% OTP	\$ 3,000	\$ -
90%-94.99% OTP	\$ -	\$ -
85%-89.99% OTP	\$ -	\$ (1,500)
80%-84.99% OTP	\$ -	\$ (3,000)
Below 80% OTP	\$ -	\$ (4,500)
Est MAX Incentive-Disincentive	\$ 8,250	\$ (19,750)

Average Quarterly Service Costs: \$988,000

Notes:

The max disincentive as shown represents 2.00% of service costs and the max incentive as shown represents approximately .084% of service costs.

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

Certificate Number:
2017-277299

Date Filed:
10/27/2017

Date Acknowledged:

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

First Transit, Inc.
Cincinnati, OH United States

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

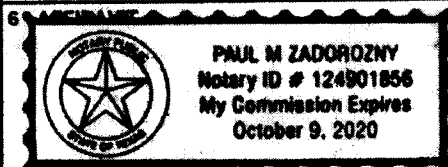
Fort Bend County

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFP 11-079
Bus Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO interested Party.



I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

mp 2 Hn

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said Michael Honer, this the 30th day of October, 2017, to certify which, witness my hand and seal of office.

[Signature]

Signature of officer administering oath

Paul Zadorozny

Printed name of officer administering oath

Relationship Banker

Title of officer administering oath

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

First Transit, Inc
Cincinnati, OH United States

Certificate Number:
2017-277299

Date Filed:
10/27/2017

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

Fort Bend County

Date Acknowledged:
11/07/2017

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

RFP 11-079
Bus Services

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



6 AFFIDAVIT

I swear, or affirm, under penalty of perjury, that the above disclosure is true and correct.

Signature of authorized agent of contracting business entity

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of _____,
20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath

Printed name of officer administering oath

Title of officer administering oath