

STATE OF TEXAS §
 § KNOW ALL BY THESE PRESENTS:
COUNTY OF FORT BEND §

FIFTH AMENDMENT TO AGREEMENT FOR PURCHASE OF TRANSIT BUSES
RFP 17-044

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

WHEREAS, the parties have executed and accepted that certain Agreement for Purchase of Transit Buses (the "Agreement"), on or about February 13, 2018 and as amended on May 8, 2018, March 12, 2019, January 14, 2020 and on March 3, 2020; and

WHEREAS, the following changes are incorporated as if a part of the original Agreement incorporated by reference in the same as if fully set forth verbatim herein;
NOW, THEREFORE, the parties do mutually agree as follows:

1. The Scope of Services shall be amended to include the new vehicle prices and specifications as reflected in the attached Exhibit A.
2. Contractor understands and acknowledges that under 2 CFR 200.216, the County is prohibited from using federal funds to procure, obtain, extend or renew a contract to procure or obtain covered telecommunications equipment or services, including telecom equipment produced by Huawei Technologies Company or ZTE Corp. (or subsidiaries or affiliates of such entities). Contractor, therefore, certifies that they are in compliance with the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (FY 2019 NDAA), Pub. L. No. 115-232 (2018), and that in the performance of this agreement, it will not provide equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, Section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).
 - (i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

- (ii) Telecommunications or video surveillance services provided by such entities or using such equipment.
- (iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Except as provided herein, all terms and conditions of the Agreement, including any addenda or amendments, not modified shall remain in full force and effect. If there is a conflict between this Fifth Amendment and the Agreement, the provisions of this Fifth Amendment shall prevail with regard to the conflict.

IN WITNESS WHEREOF, the parties put their hands to this Amendment on the dates indicated below.

FORT BEND COUNTY

KP George
County Judge KP George

KP George, County Judge

TEXAS BUS SALES, INC.

Laurie Rickaway
Authorized Agent- Signature

4-6-2021

Date

ATTEST:

Laura Richard

Laura Richard, County Clerk



LAURIE RICKAWAY
Authorized Agent- Printed Name

Secretary/Treasurer
Title

3-17-2021
Date

AUDITOR'S CERTIFICATE

I hereby certify that funds are available in the amount of \$ 1,000,000.00 to accomplish and pay the obligation of Fort Bend County under this contract.

Robert E. Sturdivant
Robert E. Sturdivant, County Auditor

EXHIBIT A



February 12, 2021

Ms. Jaime Kovar
Fort Bend County
301 Jackson St., Suite 201
Richmond, TX 77469

Subject: RE: Fort Bend County RFP 17-044 Amendment 5

Dear Ms. Kovar:

Good afternoon, Texas Bus Sales, Inc. respectfully requests an Amendment to Agreement for Purchase of Transit Buses RFP- 17-044.

The request is for a change in the pricing for the Light Duty Cutaway Buses (Type III), the Medium Duty Bus (Type 11) both the 32' and the 40'. The reason for the request is that the Ford Motor Company and Freightliner are both now producing 2022 chassis for the platform for the bus body even though we just began 2021. We are seeing price increases from vendors anywhere from 2.5% to 5% across the board. Steel prices are escalating the most in price. As a result, we are requesting a 3% price increase for the three models:

Exhibit II: Light Duty E450 Cutaway Bus, TYPE 3, the base price would increase from \$61,747.00 to \$63,599.41. The optional pricing would remain the same as the 2018 bid pricing. The cost of the Light Duty E450 Cutaway Bus would be \$97,764.41 per bus.

Exhibit III: Medium Duty Cutaway Bus (32'), TYPE 11, the base price for the approved \$153,413.00 is \$118,248.00 instead of \$114,038.00 stated in the previous request. I mistakenly did not add the cost of the upcharge for the Freightliner chassis to increase from 19,500 GVWR to 26,000 GVWR which is an additional cost of \$4,210.00. This brings the base price to \$118,248.00 for the \$153,413.00 price. The base price which includes the Freightliner upcharge would increase to \$121,795.44. The optional 2018 bid pricing would remain the same. This would bring the total price of the Medium Duty Cutaway Bus (32') to \$156,960.44 per bus.

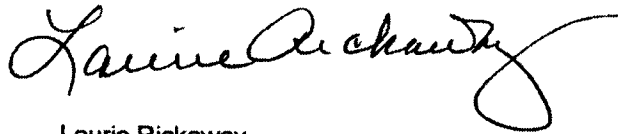
As a note, when we were negotiating the final bid award, Texas Bus Sales, Inc. showed the Freightliner GVWR chassis increase in a line item and we were asked to remove the line item and add it to the base price of the bus.

Exhibit III: Medium Duty Cutaway Bus (40'), TYPE 11, the base price would increase from \$120,993.00 to \$124,622.79. The 2018 optional bid pricing would remain the same. The Medium Duty Cutaway Bus (40") would be a total price of \$159,787.79 per bus.

February 12, 2021

We appreciate the opportunity to work with Fort Bend County in meeting your transportation needs. Please let me know if you need any additional information associated with these requests to amend the contract.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie Rickaway". The signature is fluid and cursive, with a large loop at the end.

Laurie Rickaway
Sales Administrator
Texas Bus Sales, Inc.
P.O. Box 10213
Houston, TX 77206

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.**

Texas Bus Sales, Inc.
Houston, TX United States

Certificate Number:
2021-728128

Date Filed:
03/17/2021

Date Acknowledged:
04/06/2021

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-17-044
SALE OF BUSES

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 UNSWORN DECLARATION**

My name is _____, and my date of birth is _____.

My address is _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)