

Agreement No. _____

Federal ID No. _____

TERM MODIFICATION AGREEMENT TO ALLOW EXPRESS SUPPLEMENTS (NO-FEE)
FOR PROJECT SPECIFIC, COST PLUS FIXED FEE AGREEMENTS

THIS AGREEMENT is made and entered into on _____ between the Commonwealth of Pennsylvania, acting through its Department of Transportation ("DEPARTMENT"),

and

_____, a Corporation of consultants, registered as such in the Commonwealth of Pennsylvania, their heirs, executors, administrators, successors, or assigns ("CONSULTANT").

The DEPARTMENT and the CONSULTANT are sometimes collectively referred to below as the "parties."

W I T N E S S E T H:

WHEREAS, the CONSULTANT and the DEPARTMENT entered into one or more project specific, cost plus fixed fee agreements

("Contract(s)"), wherein the CONSULTANT agreed to perform all necessary services and work and to furnish all equipment and materials not otherwise furnished for the services, as described in the Contract(s); and,

WHEREAS, the Contract(s) is (are) identified in the document attached as Exhibit "A" and made part of this Supplemental Agreement according to the agreement numbers by which they are designated in the DEPARTMENT's files; and,

WHEREAS, the parties desire to amend the Contract(s) by adding a provision allowing for the DEPARTMENT's issuance of Letter Supplement (No-Fee), including Express Supplements (No-Fee) to be issued on an expedited basis, authorizing the CONSULTANT to perform additional hours on existing work tasks, where the additional time is necessary for completion of those tasks, in accordance with the circumstances described below.

NOW, THEREFORE, the parties hereto, for and in consideration of the foregoing premises and mutual promises hereinafter contained, with the intention of being legally bound hereby, agree to amend the Contract(s) as follows.

1. The foregoing recitals are incorporated by reference as a material part of this Supplemental Agreement.

2. The Contract(s) is (are) amended by adding the following provision to Section A.2, relating to terms, conditions and provisions, as Item f:

The DEPARTMENT reserves the right to issue a Letter Supplement (No-Fee), which, if issued on an expedited basis, shall be known as an Express Supplement (No-Fee), at any time during the term of this Agreement or any supplements, renewals or extensions thereof, to increase the quantities of work items, where additional effort, consisting of additional hours by the CONSULTANT for existing work tasks in order to complete them, is necessary. Such additional effort shall not involve any of the following: Addition of new tasks to the project, addition of a new part or phase, inclusion of work activities that are part of a separate existing project phase, addition of substantial new units of work because of new structures or other new project elements, substantial change in project limits, or increase in the complexity of the project. Furthermore, the DEPARTMENT shall not pay the CONSULTANT a fee in connection with such additional effort. Such Letter Supplement (No-Fee) or Express Supplement (No-Fee) shall be effective when signed by the authorized representatives of the CONSULTANT and the DEPARTMENT and approved by the Comptroller's Office.

3. The DEPARTMENT may issue the Letter Supplement (No-Fee) and the Express Supplement (No-Fee) in either paper or electronic version.

4. All other terms and conditions of the Contract(s), which are not changed by this Agreement, remain in full force and effect and are hereby ratified and confirmed.

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IN WITNESS WHEREOF, the parties have executed this Term Modification Agreement pursuant to due and legal action by their proper officials, the day and year first above written.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF TRANSPORTATION

BY _____
Signature Date

Deputy Secretary of Transportation
or Designee _____
Title

ATTEST: _____

Signature Date BY _____
Signature Date

Title Vice-President
Title

APPROVED AS TO FORM AND LEGALITY

BY

Signature Date

Chief Counsel

Title Date

Preapproved Form:
OGC Form No. 18-K-2771
Approved OAG 09/04/2008

FUNDS COMMITMENT DOC. NO. _____
CERTIFIED FUNDS AVAILABLE UNDER
SAP NO. _____
SAP COST CENTER _____
GL ACCOUNT _____
AMOUNT _____

BY _____
for Comptroller Date

Agreement Prepared By _____
Negotiation Engineer