

1 [Agreement - New Flyer of America, Inc. - Purchase 94 40-ft Low Floor Hybrid Electric Buses -
2 Not to Exceed \$117,751,398]

3 **Resolution approving an agreement between the City and County of San Francisco,**
4 **acting by and through the San Francisco Municipal Transportation Agency (SFMTA),**
5 **and New Flyer of America, Inc. to procure 94 40-foot low floor hybrid electric coaches,**
6 **along with spare parts, special tools, manuals, training, and telematics licenses**
7 **through a cooperative purchasing agreement established by the State of Washington**
8 **for an amount not to exceed \$117,751,398 for term not to exceed five years effective**
9 **upon approval of this Resolution; and authorizing SFMTA to enter into any**
10 **amendments or other modifications to the agreement that do not materially increase**
11 **the obligations or liabilities, or materially decrease the public benefits accruing to the**
12 **SFMTA and are necessary or advisable to effectuate the purposes of the Resolution.**

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14 WHEREAS, In 2013, the San Francisco Municipal Transportation Agency (SFMTA)
15 began a transformative fleet replacement program by purchasing 112 40-ft hybrid electric
16 coaches which will be reaching the end of their 12 years useful life; on November 7, 2023, the
17 SFMTA Board of Directors approved the revised Zero Emission Vehicle Policy that commits to
18 procure zero-emissions vehicles to replace the SFMTA’s hybrid electric buses and to continue
19 to procure trolley buses, with a goal of achieving a 100% zero-emission fleet in compliance
20 with the Innovative Clean Transit (ICT) regulation of the California Air Resource Board
21 (CARB); and

22 WHEREAS, Due to facility upgrade constraints, the revised policy includes hybrid
23 buses in addition to trolley and battery electric buses as part of the Zero Emission Rollout
24 Plan; and

1 WHEREAS, In 2015, the Federal Transit Administration (FTA) began allowing transit
2 agencies to buy buses using pre-negotiated cooperative purchasing agreements issued by
3 State governments; and

4 WHEREAS, Washington State has entered into cooperative purchasing agreements
5 with bus manufacturers for the purchase of Heavy-Duty transit buses; the agreements comply
6 with FTA competition requirements and allow public bodies outside of State of Washington to
7 purchase buses; and

8 WHEREAS, On April 1, 2021, Washington awarded to New Flyer of America, Inc.,
9 State Cooperative Purchasing Schedule Master Contract No. 06719-01, which included 40-
10 foot hybrid buses; and

11 WHEREAS, San Francisco Administrative Code, Section 21.16, permits the SFMTA to
12 make purchases under the terms established by another agency's competitive procurement
13 process upon a finding that the procurement is in the City's best interests; and

14 WHEREAS, SFMTA staff has negotiated an agreement with New Flyer using the
15 Washington State cooperative purchasing agreement to purchase 94 low floor, hybrid electric
16 coaches and related spare parts, special tools, manuals, training, and telematics licenses; and

17 WHEREAS, Based on the above, the SFMTA Board of Directors found that it is in the
18 best interests of the City that the SFMTA procure 94 40-foot low floor hybrid electric coaches
19 using the State of Washington cooperative purchasing agreement; and

20 WHEREAS, On October 20, 2023, the SFMTA, under authority delegated by the
21 Planning Department, determined that Contract No. SFMTA-2024-03-FTA is not a "project"
22 under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California
23 Code of Regulations Sections 15060(c) and 15378(b); and

24 WHEREAS, On September 17, 2024, the SFMTA Board of Directors adopted
25 Resolution No. 240917-107 , authorizing the Director of Transportation of the SFMTA to

1 execute Contract No. SFMTA-2024-03-FTA with New Flyer of America, Inc., to procure 94 40-
2 foot low floor hybrid electric coaches, along with spare parts, special tools, manuals, training,
3 and telematics licenses through a cooperative purchasing agreement established by the State
4 of Washington for an amount not to exceed \$117,751,398 and a term not to exceed five
5 years; and,

6 WHEREAS, Under Charter, Section 9.118, the Board of Supervisors must approve this
7 Contract since it is an expenditure contract in excess of \$10 million dollars; and

8 WHEREAS, A copy of the said contract is on file with the Clerk of the Board of
9 Supervisors in File No. 240933, which is declared to be a part of this resolution as if set forth
10 fully herein; now therefore, be it

11 RESOLVED, That the Board of Supervisors authorizes the SFMTA to enter into a
12 contract with New Flyer of America, Inc., to procure 94 40-foot, low floor, hybrid electric
13 buses, along with spare parts, special tools, manuals, training, and telematics licenses
14 through a cooperative purchasing agreement established by the State of Washington for an
15 amount not to exceed \$117,751,398 for term not to exceed five years effective upon approval
16 of this Resolution; and, be it

17 FURTHER RESOLVED, That the Board of Supervisors authorizes the SFMTA to
18 approve any additions, amendments or other modifications to the Contract that the Director of
19 Transportation, in consultation with the City Attorney, determines is in the best interest of the
20 SFMTA, do not materially increase the obligations or liabilities of the SFMTA or City, or
21 materially decrease the public benefits accruing to the SFMTA, and are necessary or
22 advisable to complete the transactions contemplated and effectuate the purpose and intent of
23 this Resolution, such determination to be conclusively evidenced by the execution and
24 delivery by the Director of Transportation of any such documents; and be it

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1 FURTHER RESOLVED, That within 30 days of Contract No. SFMTA-2024-03-FTA
2 being fully executed by all parties, the SFMTA shall provide the final contract to the Clerk of
3 the Board of inclusion into the official file.

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