

1 [Muni Thirty-foot Hybrid-Electric Bus Procurement]

2

3 **Resolution approving the award of a sole source contract (Procurement of Thirty-foot**
4 **Low Floor Hybrid-Electric Diesel Coaches) between the City and County of San**
5 **Francisco and Orion Bus Industries, in an amount not to exceed \$17,132,780.**

6

7 WHEREAS, The Municipal Railway’s Clean Air Plan entitled “Zero Emissions 2020”
8 calls for the adoption of new hybrid buses to replace all of its 1990 thirty-foot diesel buses;
9 and

10 WHEREAS, On March 15, 2005, the Board of Supervisors adopted Resolution No.
11 205-05, which supports immediate action to implement the Municipal Railway’s Clean Air
12 Plan, including expediting procurement of hybrid electric buses by 2007; and

13 WHEREAS, On June 30, 2006, the Municipal Transportation Agency Board of
14 Directors ("MTA Board") adopted Resolution No. _____, which authorized the Director of
15 Transportation to conduct a sole source procurement (Procurement of Thirty-foot Low Floor
16 Hybrid-Electric Diesel Coaches); and

17 WHEREAS, on September 6, 2005 Muni sent a Request for Information (RFI) to fifteen
18 (15) bus manufacturers in the United States with the intention of translating responses into a
19 market summary of thirty-foot hybrid-electric diesel bus product availability, specifications,
20 estimated cost, and estimated delivery schedule. This market summary was used to evaluate
21 potential procurement options so that Muni can replace its 1990 thirty-foot bus fleet. Muni
22 received four responses to the RFI – from North American Bus Industries (NABI), New Flyer,
23 Optima, and Orion. Muni Fleet Engineering has determined that of the four RFI respondents,
24 only Orion Bus is able to provide a product that meets Muni’s requirements; and

25

1 WHEREAS, Under federal guidelines, Muni may enter into a sole source contract
2 under the following circumstances:

3 A) The item is available only from a single source;

4 B) The public exigency or emergency for the requirement will not permit a delay
5 resulting from competitive solicitation;

6 C) FTA authorizes noncompetitive negotiations;

7 D) After solicitation of a number of sources, competition is determined to be
8 inadequate; or

9 E) The item is an associated capital maintenance item.

10 Based on the results of the RFI, Muni determined that a sole source could be justified under
11 (A) or (D). MTA Executive Director Stuart Sunshine subsequently directed Muni to proceed
12 with sole source contract negotiations; and

13 WHEREAS, On May 10, 2006 Muni received a contract proposal from Orion for thirty-
14 foot hybrid-electric diesel buses. Muni's engineering services contractor evaluated Orion's
15 contract price. Muni fleet engineering managed the review of the remaining contract elements.
16 Muni fleet engineering then conducted negotiations with Orion on May 23, 2006, together with
17 MTA contract compliance and the City Attorney's Office; and

18 WHEREAS, On June 30, 2006, the MTA Board adopted Resolution No. _____ ,
19 which authorized the Director of Transportation to execute a sole source contract with Orion
20 Bus Industries, for an amount not to exceed \$17,132,780 subject to approval by the Board of
21 Supervisors and certification of funding; now, therefore, be it

22 RESOLVED, That the Board of Supervisors approves the award of a sole
23 source contract (Procurement of Thirty-foot Low Floor Hybrid-Electric Diesel Coaches)
24 between the City and County of San Francisco and Orion Bus Industries, in an amount not to
25 exceed \$17,132,780.