

1 [Contract - New Flyer of America Inc. - Purchase of Low Floor Diesel-Hybrid Buses - Not to
2 Exceed \$38,348,847]

3 **Resolution approving a contract with New Flyer of America Inc., for the purchase of 50**
4 **40-foot low floor diesel-hybrid buses, related tools, training, and spare parts, through**
5 **the Cooperative Purchasing Venture established by the State of Minnesota's Materials**
6 **Management Division, in an amount not to exceed \$38,348,847 and for a term not to**
7 **exceed six years to commence following Board approval.**

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9 WHEREAS, Under Section 21.16 of the San Francisco Administrative Code, the San
10 Francisco Municipal Transportation Agency (SFMTA) may utilize the competitive procurement
11 process of any other public agency to make purchases of commodities under the terms
12 established in that agency's procurement process and as agreed upon by the City and the
13 procuring agency, upon making a determination that the other agency's procurement process
14 was competitive and the use of the other agency's procurement process would be in the City's
15 best interests; and

16 WHEREAS, The State of Minnesota, through its Materials Management Division
17 (MMD), established the Cooperative Purchasing Venture (CPV), and allows eligible entities to
18 purchase goods, certain services and utilities from contracts established by the MMD for
19 Minnesota state agencies; and

20 WHEREAS, Minnesota statute Section 471.59, subdivision 1, known as the Joint
21 Powers Act, defines the governmental entities that may join the CPV program to include
22 counties, cities, towns, townships, and school districts, and other entities; and

23 WHEREAS, In 2012, the State of Minnesota issued a competitive request for proposal
24 for 2013 model year transit buses, including heavy duty (Class 700) low floor diesel hybrid
25 coaches, on behalf of the members of the Minnesota CPV (the Minnesota Procurement); the

1 Minnesota Procurement complied with the third party procurement requirements of the
2 Federal Transit Administration; and

3 WHEREAS, New Flyer of America Inc. was one of several companies that submitted
4 proposals in response to the Minnesota Procurement on December 21, 2012; Minnesota
5 accepted the proposal and issued Notification of Contract Award to New Flyer on or about
6 January 1, 2013; and

7 WHEREAS, On March 7, 2012, the SFMTA Board of Director adopted Resolution No.
8 12-029, which authorized the City and County of San Francisco, through the SFMTA, to join
9 the CPV; and

10 WHEREAS, SFMTA negotiated the contract with New Flyer to manufacture 50 40-foot
11 low floor diesel-hybrid buses, and related tools, training and spare parts for a total cost of
12 \$38,348,847; a copy of the contract is on file with the Clerk of the Board of Supervisors in File
13 No. 130977, and is hereby declared to be a part of this motion as if set forth fully herein; now
14 therefore, be it

15 RESOLVED, That the Board of Supervisors authorizes the SFMTA to enter into a
16 contract with New Flyer of America Inc. for the purchase of 50 40-foot low floor diesel-hybrid
17 buses, and related tools, training and spare parts, through the Cooperative Purchasing
18 Agreement established by the State of Minnesota's Materials Management Division, in an
19 amount not to exceed \$38,348,847, and for a term not to exceed six years; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors authorizes the SFMTA to enter
21 into any amendments or modifications to the Agreement (including without limitation, the
22 exhibits) that the Director of Transportation determines, in consultation with the City Attorney,
23 are in the best interests of the City, do not increase the obligations or liabilities of the City, are
24 necessary or advisable to effectuate the purposes of the Agreement or this Resolution, and
25 are in compliance with all applicable laws, including the City's Charter; and, be it

1 FURTHER RESOLVED, That within thirty (30) days of the contract being fully executed
2 by all parties the SFMTA shall provide the final lease amendment to the Clerk of the Board for
3 inclusion into the official file.

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