

1 [Contract - New Flyer of America Inc. - Low Floor Diesel-Hybrid Buses - Not to Exceed  
2 \$36,889,364]

3 **Resolution approving a contract with New Flyer of America Inc., for the purchase of 45**  
4 **40-foot low floor diesel-hybrid buses, and related tools, training and spare parts,**  
5 **through the Cooperative Purchasing Venture established by the State of Minnesota's**  
6 **Materials Management Division, in an amount not to exceed \$36,889,364 and for a term**  
7 **not to exceed six years.**

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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 2011, the State of Minnesota issued a competitive request for proposal  
24 for 2012-13 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 23, 2011; Minnesota  
5 accepted the proposal and issued Notification of Contract Award to New Flyer on or about  
6 February 3, 2012; and

7 WHEREAS, On March 6, 2012, the San Francisco Municipal Transportation Agency  
8 (SFMTA) Board of Director adopted Resolution No. 12-029, which authorized the City and  
9 County of San Francisco, through the SFMTA, to join the CPV; and

10 WHEREAS, SFMTA solicited proposals from three companies that responded to the  
11 Minnesota procurement and were on the approved list of the CPV for Class 700 transit buses,  
12 but only New Flyer submitted a proposal to SFMTA; and

13 WHEREAS, SFMTA negotiated the contract with New Flyer to manufacture 45 40-foot  
14 low floor diesel-hybrid buses, and related tools, training and spare parts for a total cost of  
15 \$36,889,364; a copy of the contract is on file with the Clerk of the Board of Supervisors in File  
16 No. 12-116, and is hereby declared to be a part of this motion as if set forth fully herein; and

17 WHEREAS, On September 4, 2012, the SFMTA Board of Directors adopted Resolution  
18 No. 12-116, in which the SFMTA Board found that it was in the best interests of the City that  
19 the SFMTA procure 45 40-foot low floor diesel-hybrid buses through the Minnesota CPV, and  
20 which further authorized the Director of Transportation to execute a contract with New Flyer of  
21 America Inc. for the purchase of 45 40-foot low floor diesel-hybrid buses, and related tools,  
22 training and spare parts, through the CPV, for an amount not to exceed \$36,889,364 and for a  
23 term not to exceed six years; now therefore, be it

24 RESOLVED, That the Board of Supervisors approves the contract with New Flyer of  
25 America Inc. for the purchase of 45 40-foot low floor diesel-hybrid buses, and related tools,

1 training and spare parts, through the Cooperative Purchasing Agreement established by the  
2 State of Minnesota's Materials Management Division, in an amount not to exceed  
3 \$36,889,364, and for a term not to exceed six years.

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