

1 [Contract Amendment - New Flyer of America Inc. - Purchase of Low Floor Electric Trolley  
2 Buses - Not to Exceed \$395,067,312]

3 **Resolution approving Amendment No. 2 to Contract No. CPT 632 (Procurement of**  
4 **Electric Trolley Buses) with New Flyer of America Inc., to purchase an additional 185**  
5 **standard low floor electric trolley buses, for an additional amount of \$244,618,583 and a**  
6 **total contract amount not to exceed \$395,067,312 with no change to the term of the**  
7 **contract.**

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9 WHEREAS, The SFMTA's fleet of electric trolley buses includes 40 foot trolley buses  
10 that have been in service since 2001, past their useful life of 15 years; and

11 WHEREAS, Under Administrative Code Section 21.16, the SFMTA is authorized to  
12 utilize the competitive procurement process of another public agency to make purchase of  
13 commodities for the use of the City under the terms established in that agency's competitive  
14 procurement process and as agreed upon by the City and the procuring agency; and

15 WHEREAS, On December 6, 2013, the City entered into a Bus Options Assignment  
16 Agreement with King County, Washington and New Flyer of America Inc. (Assignment  
17 Agreement), under which King County assigned to the City the right to purchase from New  
18 Flyer up to 240 40-foot electric trolley buses and 93 60-foot electric trolley buses from options  
19 available under a bus procurement contract that King County had previously entered into with  
20 New Flyer; and

21 WHEREAS, On February 26, 2014, the City entered into Contract No. CPT 632 with  
22 New Flyer (New Flyer Contract) to purchase 60 60-foot electric trolley buses and associated  
23 spare parts, training, manuals, and special tools under the terms and conditions of the  
24 Assignment Agreement; and

1           WHEREAS, On August 31, 2016, the City issued Contract Amendment No. 1 to the  
2 New Flyer Contract for the purchase of an additional 33 60-foot electric trolley buses and  
3 associated spare parts, training, manuals and special tools; and

4           WHEREAS, The SFMTA now wishes to amend the New Flyer Contract to exercise the  
5 option to purchase 185 40-foot (standard) electric trolley buses and associated spare parts,  
6 training, manuals and special tools, and

7           WHEREAS, This Amendment No.2 will be funded by a combination of federal formula  
8 funds and local matching funds; and

9           WHEREAS, On March 28, 2017, the SFMTA, under authority delegated by the  
10 Planning Department, determined that Amendment No. 2 to Contract No. CPT 632 is not a  
11 “project” under the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)  
12 and 15378(b) because the actions would not result in a direct physical change in the  
13 environment, or a reasonably foreseeable indirect physical change in the environment; and

14           WHEREAS, On April 18, 2017, the SFMTA Board of Directors adopted Resolution No.  
15 170418-051, which authorized the Director of Transportation to execute Amendment No. 2 to  
16 Contract No. CPT 632 with New Flyer of America Inc., to purchase an additional 185 standard  
17 low floor electric trolley buses, for an additional amount of \$244,618,583 and a total contract  
18 amount not to exceed \$395,067,312 with no change to the term of the contract; now,  
19 therefore, be it

20           RESOLVED, That the Board of Supervisors approves Amendment No. 2 to Contract  
21 No. CPT 632 with New Flyer of America Inc., to purchase an additional 185 standard low floor  
22 electric trolley buses, and associated spare parts, training, manuals and special tools, for an  
23 additional amount of \$244,618,583 and a total contract amount not to exceed \$395,067,312  
24 with no change to the term of the contract; and, be it

1           FURTHER RESOLVED, That within 30 days of Amendment No.2 to Contract No. CPT  
2 632 being fully executed by all parties, the final documents shall be provided to the Clerk of  
3 the Board for inclusion in the official file.

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