

1 [Contract Amendment - New Flyer of America, Inc. - Purchase of Low Floor Electric Trolley
2 Buses - Not to Exceed \$150,448,729]

3 **Resolution approving Amendment No. 1 to Contract No. CPT 632 (Procurement of**
4 **Electric Trolley Buses) with New Flyer of America, Inc., to purchase an additional 33**
5 **articulated low-floor electric trolley buses, for an additional amount of \$55,498,285 and**
6 **a total contract amount not to exceed \$150,448,729 with no change to the term of the**
7 **contract; and authorizing the Director of Transportation of the San Francisco Municipal**
8 **Transportation Agency to enter into amendments or modifications to the Agreement,**
9 **as defined herein.**

10
11 WHEREAS, The SFMTA's fleet of electric trolley buses includes 60 foot articulated
12 trolley buses that have been in service since 1994, well past their useful life of 15 years; and

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

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

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

1 WHEREAS, The Agreement includes options to purchase an additional 33 60-foot
2 electric trolley buses and up to 240 40-foot electric trolleys buses over the next six years
3 should funding be identified; and

4 WHEREAS, The SFMTA now wishes to amend the Agreement to exercise the option to
5 purchase 33 articulated 60 foot electric trolley buses and associated spare parts, training,
6 manuals and special tools; and

7 WHEREAS, This Amendment No.1 will be funded by a combination of federal formula
8 funds and local matching funds; and

9 WHEREAS, On April 21, 2016, the SFMTA, under authority delegated by the Planning
10 Department, determined that Amendment No. 1 to Contract No. CPT 632 is not a “project”
11 under the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c) and
12 15378(b) because the actions would not result in a direct physical change in the environment,
13 or a reasonably foreseeable indirect physical change in the environment; and

14 WHEREAS, On May 17, 2016, the SFMTA Board of Directors adopted Resolution No.
15 16-066, which authorized the Director of Transportation to execute Amendment No. 1 to
16 Contract No. CPT 632 with New Flyer of America Inc., to purchase an additional 33 articulated
17 low floor electric trolley buses, for an additional amount of \$55,498,285, and a total contract
18 amount not to exceed \$150,448,729 with no change to the term of the contract; now therefore,
19 be it

20 RESOLVED, That the Board of Supervisors approves Amendment No. 1 to Contract
21 No. CPT 632 with New Flyer of America Inc., to purchase an additional 33 low floor electric
22 trolley buses, and associated spare parts, training, manuals and special tools, for an
23 additional amount of \$55,498,285, and a total contract amount not to exceed \$150,448,729,
24 with no change to the term of the contract; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of
2 Transportation of the SFMTA to enter into any amendments or modifications to the Agreement
3 (including, without limitation, the exhibits to those documents) that the Director of
4 Transportation determines, in consultation with the City Attorney, are in the best interest of the
5 City, do not increase expenditures or otherwise materially increase the obligations or liabilities
6 of the City, are necessary or advisable to effectuate the purposes of the Agreement, or this
7 Resolution, and are in compliance with all applicable laws, including the City's Charter; and be
8 it

9 FURTHER RESOLVED, That within 30 days of Amendment No.1 to Contract No. CPT
10 632 being fully executed by all parties, the final documents shall be provided to the Clerk of
11 the Board for inclusion in the official file.

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