

1 **[CONTRACT MODIFICATION]**

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3 **Resolution authorizing the Municipal Transportation Agency to enter into Contract**
4 **Modification No. 12 with ANSALDOBREDA S.p.a for (1) completion of the video**
5 **surveillance retrofit on 87 light rail vehicles; (2) design, testing and installation of an**
6 **emergency brake acceleration limiting device on 151 vehicles; (3) overhaul of the brake**
7 **system on 23 vehicles, plus two options for up to 30 additional vehicles each; (4)**
8 **funding for spare parts and repair of damaged vehicles; and (5) modification of the**
9 **delivery schedule, payment schedule, warranty provisions, and other terms and**
10 **conditions of the contract to address the new work; all in an amount not to exceed**
11 **\$9,148,576, and for a total contract amount not to exceed \$407,155,455.**

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13 WHEREAS, After a competitive negotiated procurement in accordance with the
14 Negotiated Procurement Procedure, the Board of Supervisors, in Resolution No. 984-91,
15 authorized the Public Transportation Department (MUNI”) to enter into a contract with Breda
16 Costruzioni Ferroviarie S.p.A., now known as ANSALDOBREDA, S.p.a (“Breda”) for the
17 purchase of 35 light rail vehicles at a contract cost of \$82,087,695, with options to procure up
18 to 20 additional vehicles; and

19 WHEREAS, Under Modifications Nos. 1-8 of the Agreement, the City acquired an
20 additional 42 LRVs, for a total of 77 LRVs (the "LRV2 fleet"), as well as additional spare parts
21 and equipment; and the parties negotiated design changes and extensions to the delivery
22 schedule; and

23 WHEREAS, On October 19, 1998, the Board approved Resolution No. 877-98, which
24 authorized the execution of Modification No. 9 to the Breda contract, for the purchase of 59

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1 additional light rail vehicles, including spare parts, equipment, design modifications and
2 options, at a cost of \$167,299,822, for a total contract cost not to exceed \$358,547,399; and

3 WHEREAS, On June 14, 1999, the Board of Supervisors approved Resolution No.
4 581-99, which approved Modification No. 10 to the Breda contract, to purchase 15 additional
5 light rail vehicles, at a cost of \$39,459,480, for a total contract amount not to exceed
6 \$398,006,87; and

7 WHEREAS, Modification No. 11 to the Agreement, approved by the Municipal
8 Transportation Agency Board of Directors, included design changes for improved
9 components, associated spare parts and manuals, deferred completion of a portion of the
10 video surveillance retrofit approved in Modification No. 9 until confirmation of additional
11 funding, and extended the contract schedule by 60 days, all at no further cost to the contract;
12 and

13 WHEREAS, On January 20, 2004, the Municipal Transportation Agency Board of
14 Directors (MTA Board) adopted Resolution No. 04-015, which authorized the execution of
15 Modification No. 12 to the Breda contract, for completion of the video surveillance retrofit,
16 design and installation of an emergency brake acceleration limiting device, overhaul of the
17 brake system on 23 vehicles, with two options to overhaul the brake system on up to 30
18 additional vehicles per option, funding for spare parts, funding for as-needed repair of
19 damaged vehicles, and modification of the delivery schedule, payment schedule, warranty
20 provisions, and other terms and conditions of the Contract to address the new work; all for an
21 amount not to exceed \$9,148,576, and for a total contract amount not to exceed
22 \$407,155,455. A copy of Modification No. 12 is on file with the Clerk of the Board of
23 Supervisors in File No. _____, which is hereby declared to be a part of this resolution as if set
24 forth fully herein; and,

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1 WHEREAS, Also on January 20, 2004, the MTA Board adopted Resolution No. 04-016,
2 which approved a request for a supplemental appropriation for \$12,275,000 in lease-
3 leaseback revenues to fund the work in Modification No. 12; and

4 WHEREAS, The MTA Board conditioned approval of Modification No. 12 on approval
5 of the supplemental appropriation; now, therefore, be it

6 RESOLVED, That this Board of Supervisors hereby approves Contract Modification
7 No. 12 to Contract No. 309 with ANSALDOBREDA S.p.A in a form substantially as contained
8 in Board File No. _____, for (1) completion of the video surveillance retrofit on 87 light rail
9 vehicles; (2) design, testing and installation of an emergency brake acceleration limiting
10 device on 151 vehicles; (3) overhaul of the brake system on 23 vehicles, plus two options for
11 up to 30 additional vehicles each; (4) funding for spare parts and repair of damaged vehicles;
12 and (5) modification of the delivery schedule, payment schedule, warranty provisions, and
13 other terms and conditions of the Contract to address the new work; all in an amount not to
14 exceed \$9,148,576, and for a total contract amount not to exceed \$407,155,455; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors' approval of Contract
16 Modification No. 12 is subject to and contingent upon approval by the Board of Supervisors of
17 a supplemental appropriation in the amount of \$12,275,000 in revenues from the Breda lease-
18 leaseback transaction.

1 Recommended:
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Approved: _____

Mayor

4 Department Head

Approved: _____

Controller

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