

1 [Agreement - Creative Bus Sales, Inc. - Procurement of Low Floor Diesel-Hybrid Coaches -
2 Not to Exceed \$26,071,700]

3 **Resolution approving an agreement with Creative Bus Sales, Inc. to procure 30 32-foot,**
4 **low floor, diesel-hybrid buses and related tools, training, manuals, and spare parts**
5 **through a procurement by the State of Georgia, in an amount not to exceed \$26,071,700**
6 **and for a term not to exceed six years to commence following Board approval.**

7
8 WHEREAS, Under Section 21.16 of the San Francisco Administrative Code, the
9 SFMTA may utilize the competitive procurement process of any other public agency to make
10 purchases of commodities under the terms established in that agency's procurement process
11 and as agreed upon by the City and the procuring agency, after making a determination that
12 the other agency's procurement process was competitive and the use of the other agency's
13 procurement process would be in the City's best interests; and

14 WHEREAS, In 2017, the State of Georgia, the Department of Administrative Services,
15 Purchasing Division (DOAS), issued a competitive request for proposals (RFP) for
16 supplemental Public Mass Transit & Transportation Vehicles and Related Equipment and
17 Accessories (the Georgia Procurement); the Georgia Procurement complies with the third
18 party procurement requirements of the Federal Transit Administration and is available for
19 interstate purchases from public entities; and

20 WHEREAS, Creative Bus Sales, Inc., submitted a proposal in response to the Georgia
21 Procurement that was opened on December 14, 2017; DOAS accepted the proposal and
22 issued Notification of Contract Award to Creative Bus Sales, Inc. on or about July 1, 2018
23 (Georgia contract); and

24 WHEREAS, On November 8, 2018, DOAS has issued two amendments to the Georgia
25 contract to extend its term to June 30, 2021; and

1 WHEREAS, The SFMTA requires 30 32-foot low floor diesel-hybrid buses (the hybrid
2 buses) to replace Muni's fleet of 2007 Orion buses, which have reached the end of their useful
3 life and are ready to be retired; and

4 WHEREAS, The Orion vehicles are the smallest Muni vehicles and allow the SFMTA to
5 serve hilltop neighborhoods with tight turns; and

6 WHEREAS, Purchasing vehicles through a regular request for proposals process
7 would add costs and take much longer than procuring them through the Georgia
8 Procurement; therefore, SFMTA staff recommends using the Georgia contract to purchase the
9 hybrid buses from Creative Bus Sales Inc., in order to expedite the procurement of buses for
10 the SFMTA; and

11 WHEREAS, SFMTA staff has negotiated an agreement with Creative Bus Sales, Inc.,
12 to purchase 30 32-foot diesel-hybrid buses and related tools, training, manuals, and spare
13 parts; and

14 WHEREAS, Based on the above, the SFMTA Board of Directors found that it is in the
15 best interests of the City that the SFMTA procure the hybrid buses from Creative Bus Sales,
16 Inc., through the Georgia Procurement; and

17 WHEREAS, On March 2, 2021, the SFMTA Board of Directors adopted Resolution No.
18 210302-028, authorizing the Director of Transportation of the SFMTA to execute Contract No.
19 SFMTA-2021-07 with Creative Bus Sales, Inc. to procure 30 32-foot, low floor, diesel-hybrid
20 buses and related tools, training, manuals, and spare parts through a procurement by the
21 State of Georgia, in an amount not to exceed \$26,071,700 and for a term not to exceed six
22 years; and

23 WHEREAS, On February 5, 2021, the SFMTA, under authority delegated by the
24 Planning Department, determined that the contract with Creative Bus Sales, Inc. for hybrid
25 motor coach procurement is not a project under the California Environmental Quality Act

1 (CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and
2 15378(b); and,

3 WHEREAS, Under Charter Section 9.118, the Board of Supervisors must approve this
4 Contract since it is an expenditure contract in excess of \$10 million dollars; and

5 WHEREAS, A copy of the said Contract is on file with the Clerk of the Board of
6 Supervisors in File No. 210262, which is declared to be a part of this resolution as if set forth
7 fully herein; now, therefore, be it

8 RESOLVED, the Board of Supervisors authorizes the SFMTA to enter into a contract
9 with Creative Bus Sales, Inc., to procure 30 32-foot, low floor, diesel-hybrid buses and related
10 tools, training, manuals, and spare parts, through a procurement by the State of Georgia, in
11 an amount not to exceed \$26,071,700 and for a term not to exceed six years; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors authorizes the SFMTA to
13 approve any additions, amendments or other modifications to the Contract that the Director of
14 Transportation, in consultation with the City Attorney, determines is in the best interest of the
15 SFMTA, do not materially increase the obligations or liabilities of the SFMTA or City, or
16 materially decrease the public benefits accruing to the SFMTA, and are necessary or
17 advisable to complete the transactions contemplated and effectuate the purpose and intent of
18 this Resolution, such determination to be conclusively evidenced by the execution and
19 delivery by the Director of Transportation of any such documents; and be it

20 FURTHER RESOLVED, That within 30 days of Contract No. SFMTA-2021-07 being
21 fully executed by all parties, the SFMTA shall provide the final contract to the Clerk of the
22 Board for inclusion in the official file.

23 n:\ptc\as2021\1000419\01521329.docx

24

25