

1 [Agreement - New Flyer of America, Inc. - Battery-Electric Buses - Not to Exceed
2 \$13,424,512]

3 **Resolution approving an agreement between the City and County of San Francisco,**
4 **acting by and through the San Francisco Municipal Transportation Agency (SFMTA),**
5 **and New Flyer of America, Inc. to procure four 40-foot and three 60-ft battery-electric**
6 **buses, along with spare parts, special tools, manuals, training, and telematics licenses**
7 **through a cooperative purchasing agreement established by the State of Washington**
8 **for an amount not to exceed \$13,424,512 and a term not to exceed five years, effective**
9 **upon approval of this Resolution; and authorizing SFMTA to enter into any**
10 **amendments or other modifications to the agreement that do not materially increase**
11 **the obligations or liabilities, or materially decrease the public benefits accruing to the**
12 **SFMTA and are necessary or advisable to effectuate the purposes of the Resolution.**
13

14 WHEREAS, In 2013, the SFMTA began a transformative fleet replacement program by
15 purchasing 112 40-ft hybrid electric coaches. These coaches are reaching the end of their 12
16 years of useful life; and

17 WHEREAS, On November 7, 2023, the SFMTA Board of Directors approved
18 Resolution No. 231107-092, which established an updated Zero Emission Vehicle Policy that
19 commits to procure zero-emissions vehicles to replace the SFMTA's hybrid electric buses,
20 with a goal of achieving a 100% zero-emission fleet in compliance with the Innovative Clean
21 Transit (ICT) regulation of the California Air Resource Board (CARB); and

22 WHEREAS, In 2021, Washington State completed a competitive procurement to award
23 cooperative purchasing agreements that allow public transit agencies outside of Washington
24 State to purchase Low Floor Battery-Electric Coaches in compliance with the requirements of
25 the Federal Transit Administration, and on April 1, 2021, Washington State announced the

1 award under that procurement to New Flyer of America, Inc., (New Flyer) of State Cooperative
2 Purchasing Schedule Master Contract No. 06719-01 for Transit Buses: Heavy Duty, including
3 40-ft and 60-ft battery-electric buses; and

4 WHEREAS, Under Administrative Code, Section 21.16, the SFMTA may utilize the
5 competitive procurement process of any other public agency to make purchases of
6 commodities under the terms established in that agency's competitive procurement process
7 upon a finding that the procurement is in the City's best interests, and the Director of
8 Transportation made that finding about the Washington State cooperative purchasing
9 agreement on January 13, 2025; and

10 WHEREAS, SFMTA staff has negotiated an agreement with New Flyer under the
11 Washington State cooperative purchasing agreement to purchase four 40-ft and three 60-foot
12 battery-electric transit buses and related spare parts, special tools, manuals, and training; and

13 WHEREAS, Funding for this project will be provided by the RM3 (bridge toll) funds,
14 TCP, Environmental Protection Agency Grant, LCFS, and CCSF TSF; and,

15 WHEREAS, On January 10, 2025, the SFMTA, under authority delegated by the
16 Planning Department, determined that Contract No. SFMTA-2025-22-FTA, is not a "project"
17 under the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California
18 Code of Regulations, Sections 15060(c) and 15378(b); and

19 WHEREAS, On February 4, 2025, the SFMTA Board of Directors adopted Resolution
20 No. 250204-009, authorizing the Acting Director of Transportation of the SFMTA to execute
21 Contract No. SFMTA-2025-22-FTA with New Flyer of America, Inc., to procure 4 40-ft and 3
22 60-ft battery-electric buses, along with spare parts, special tools, manuals, training, and
23 telematics licenses through a cooperative purchasing agreement established by the State of
24 Washington for an amount not to exceed \$13,424,512 and a term not to exceed five years;
25 and

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

3 WHEREAS, A copy of the said contract is on file with the Clerk of the Board of
4 Supervisors in File No. 250145, which is declared to be a part of this resolution as if set forth
5 fully herein; now therefore, be it

6 RESOLVED, That the Board of Supervisors authorizes the SFMTA to enter into a
7 contract with New Flyer of America, Inc., to procure four 40-ft and three 60-ft battery-electric
8 buses, along with spare parts, special tools, manuals, and training through a cooperative
9 purchasing agreement established by the State of Washington for an amount not to exceed
10 \$13,424,512 and a term not to exceed five years; and, be it

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

19 FURTHER RESOLVED, That within 30 days of Contract No. SFMTA-2025-22-FTA
20 being fully executed by all parties, the SFMTA shall provide the final contract to the Clerk of
21 the Board of inclusion into the official file.