

1 [Contract Amendment - New Flyer of America, Inc. - Purchase Low Floor Diesel-Hybrid Buses
2 - Not to Exceed \$48,669,369]

3 **Resolution approving Amendment No. 1 to Contract No. SFMTA-2013-08 with New Flyer**
4 **of America, Inc., to purchase 17 additional 40-foot low floor diesel-hybrid buses**
5 **through the Cooperative Purchasing Venture established by the State of Minnesota's**
6 **Materials Management Division, for an additional amount of \$11,780,005 and a total**
7 **contract amount of \$48,669,369.**

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

16 WHEREAS, The State of Minnesota, through its Materials Management Division
17 (MMD), established the Cooperative Purchasing Venture (CPV) to allow eligible entities to
18 purchase goods, certain services and utilities from contracts established by the MMD for
19 Minnesota state agencies; and

20 WHEREAS, Minnesota statute Section 471.59, subdivision 1, known as the Joint
21 Powers Act, defines the governmental entities that may join the CPV program to include
22 counties, cities, towns, townships, and school districts, and other entities; and

23 WHEREAS, In 2011, the State of Minnesota issued a competitive request for proposal
24 for 2012-13 model year transit buses, including heavy duty (Class 700) low floor diesel hybrid
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1 coaches, on behalf of the members of the Minnesota CPV (the Minnesota Procurement); the
2 Minnesota Procurement complied with the third party procurement requirements of the
3 Federal Transit Administration; and

4 WHEREAS, On March 6, 2012, the San Francisco Municipal Transportation Agency
5 (SFMTA) Board of Director adopted Resolution No. 12-029, which authorized the SFMTA to
6 join the Minnesota CPV; and

7 WHEREAS, On September 4, 2012, the SFMTA Board of Directors adopted Resolution
8 No. 012-116, authorizing the Director of Transportation to execute Contract No. SFMTA-2013-
9 08 (Procurement of Low Floor Diesel Hybrid Coaches) with New Flyer of America, Inc. (New
10 Flyer), for an amount not to exceed \$36,889,364, which contract is on file with the Clerk of the
11 Board of Supervisors in File No. 120908, which is hereby declared to be a part of this motion
12 as if set forth fully herein; and

13 WHEREAS, On October 2, 2012, the Board of Supervisors adopted Resolution No.
14 356-12, which approved Contract No. SFMTA-2013-08; and

15 WHEREAS, In July 2012, the Federal Transit Administration awarded the SFMTA \$15
16 million in federal State of Good Repair (SOGR) grant funds that will be used to fund this
17 project; and,

18 WHEREAS, Based on the price of the buses in the contract with New Flyer, the level of
19 the SOGR grant, along with local matching sales tax funds through Proposition K, will allow
20 the SFMTA to purchase 17 additional low floor diesel-hybrid buses; and

21 WHEREAS, On November 6, 2012, the SFMTA Board of Directors adopted Resolution
22 No. XXXX, in which the SFMTA Board found that it was in the best interests of the City that
23 the SFMTA procure 17 more low floor diesel-hybrid buses through the Minnesota CPV, and
24 further authorized the Director of Transportation to execute Amendment No. 1 to the contract
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1 with New Flyer for the purchase of 17 additional 40-foot low floor diesel-hybrid buses, for an
2 additional amount of \$11,780,005, and a total contract amount of \$48,669,369, with no
3 change to the term of the contract, which amendment is on file with the Clerk of the Board of
4 Supervisors in File No. 121070, which is hereby declared to be a part of this motion as if set
5 forth fully herein; now, therefore, be it

6 RESOLVED, That the Board of Supervisors approves Amendment No. 1 to Contract
7 with New Flyer of America Inc. for the purchase of 17 additional 40-foot low floor diesel-hybrid
8 buses through the Cooperative Purchasing Agreement established by the State of
9 Minnesota's Materials Management Division, for an additional amount of \$11,780,005, and a
10 total contract amount not to exceed \$48,669,369, with no change to the term of the contract.

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