

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 13-215

WHEREAS, The San Francisco Municipal Transportation Agency (“SFMTA”) currently operates a fleet of 151 light rail vehicles (LRVs), which are scheduled for retirement starting in 2021; and,

WHEREAS, The start of revenue service for the Central Subway Extension will require an additional 24 light rail vehicles to be delivered by 2018; and,

WHEREAS, Ridership projections and planned service expansions indicate a need for an additional 85 light rail vehicles over the next ten years; and,

WHEREAS, The SFMTA needs to procure new LRVs to meet these anticipated needs; and,

WHEREAS, The SFMTA issued a Request for Qualifications in March, 2013 seeking Statements of Qualification (SOQs) from LRV car builders; and,

WHEREAS, The SFMTA convened a selection panel composed of five people from inside and outside the SFMTA with expertise relevant to the project; and,

WHEREAS, The SFMTA received SOQs from four car builders; and,

WHEREAS, The selection panel determined that the SOQs submitted by three of the car builders exceeded the minimum competitive score of 50 points and thus qualified those manufacturers to receive a Request for Proposals (“RFP”) for procurement of LRVs; and,

WHEREAS, The selection panel determined that the SOQ submitted by AnsaldoBreda did not meet the minimum competitive score of 50 points and therefore AnsaldoBreda did not qualify to receive the RFP; and,

WHEREAS, The SFMTA has developed an RFP for the procurement of up to 260 LRVs, with a scope of work that includes the design, manufacture, delivery and test of LRVs, together with associated services, spare parts, special tools, training and documentation as otherwise specified in the Technical Specifications included in the RFP; and,

WHEREAS, The base portion of the contract for 175 LRVs will be funded with federal, state and local funds; funding for the 85-LRV option to the base contract has not yet been identified; and,

WHEREAS, On August 12, 2013, AnsaldoBreda submitted a protest to the SFMTA, and by letter of August 23, 2013, the Contract Manager recommended that the protest be denied; and,

WHEREAS, On August 29, 2013, AnsaldoBreda appealed that determination to the Director of Transportation (the Director); and,

WHEREAS, The Director of Transportation reviewed the protest, the appeal, and the record related to the issues presented by AnsaldoBreda, and on September 11, 2013 the Director issued a recommendation that the SFMTA Board deny the appeal; and

WHEREAS, Under SFMTA protest procedures applicable to the RFQ, a prospective proposer has a right to be heard before the SFMTA Board of Directors if the Director of Transportation recommends rejection of a protest appeal; and

WHEREAS, Due to an administrative error, the Director's recommendation that the SFMTA Board deny the Ansaldo Breda protest appeal was not timely transmitted to AnsaldoBreda, and the SFMTA Board is thus not in a position to make a final determination as to whether AnsaldoBreda may participate in the next stage of the RFP process; and

WHEREAS, Time is of the essence in issuing the RFP to carbuilders because receipt of the initial cars is in the critical path for timely completion of the Central Subway Project; now, therefore, be it

RESOLVED, That subject to the further consideration of the AnsaldoBreda protest appeal as directed below, the SFMTA Board of Directors authorizes the Director of Transportation to issue a Request for Proposals to all qualified car builders containing terms and requirements substantially similar to the Request for Proposals presented to this Board on September 17, 2013 for SFMTA Contract No. 2013-19, Procurement of New Light Rail Vehicles (LRV4); and be it further

RESOLVED, That the SFMTA Board of Directors takes no action at this time on the question of whether AnsaldoBreda is considered qualified to participate in the next stage of the RFP process, and be it further

RESOLVED, That the SFMTA Board of Directors directs the Director of Transportation to review any information AnsaldoBreda may submit to the Director by close of business on Monday, September 23, 2013, and unless such information alters the Director's recommendation that AnsaldoBreda not be permitted to participate in the next stage of the RFP process, calendar any required final consideration of the AnsaldoBreda protest appeal at the next meeting of the Board of Directors.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting of September 17, 2013.

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency