

1 [Agreement - New Flyer of America Inc. - Purchase of Trolley Buses - Not to Exceed
2 \$94,950,444]

3 **Resolution approving a contract with New Flyer of America Inc., for the purchase of 60**
4 **articulated trolley buses, associated equipment and spare parts, for an amount not to**
5 **exceed \$94,950,444.**

6
7 WHEREAS, Under Section 21.16 of the San Francisco Administrative Code, the San
8 Francisco Municipal Transportation Agency (SFMTA) may utilize the competitive procurement
9 process of any other public agency to make purchases of commodities under the terms
10 established in that agency's procurement process and as agreed upon by the City and the
11 procuring agency, upon making a determination that the other agency's procurement process
12 was competitive and the use of the other agency's procurement process would be in the City's
13 best interests; and

14 WHEREAS, Since 2011, the San Francisco Municipal Transportation Agency (SFMTA)
15 has been working with King County Metro (King County) in Seattle to jointly procure standard
16 and articulated trolley buses; and

17 WHEREAS, King County issued a competitive request for proposals in May 2012 to
18 procure 100 standard trolley buses, with an option for 250 additional standard buses, and 55
19 articulated trolley buses, with an option for 125 additional articulated trolley buses; and

20 WHEREAS, The SFMTA has a fleet of 60 articulated New Flyer buses purchased in
21 1992 that are beyond the end of their useful life; and

22 WHEREAS, SFMTA wishes to purchase 60 articulated trolley buses through the King
23 County procurement to replace the 1992 New Flyer trolley buses and plans to procure
24 additional trolley buses when funding is identified and secured; and

1 WHEREAS, On June 4, 2013, pursuant to Resolution No. 13-066, the SFMTA Board of
2 Directors found that it was in the best interests of the City that the SFMTA procure 60
3 articulated trolley buses from the selected vendor through the Bus Options Assignment
4 Agreement with King County (“Bus Options Assignment Agreement”), and authorized the
5 SFMTA to enter into a Bus Options Assignment Agreement and the selected vendor to
6 acquire 60 articulated trolley buses, associated equipment, training, manuals, spare parts and
7 taxes at a cost not to exceed \$98,717,875; and

8 WHEREAS, King County awarded King County Bus Procurement Contract ETB 12-1 to
9 New Flyer of America Inc. in July 2013; and

10 WHEREAS, Acquiring trolley buses through the King County competitive procurement
11 process will save the public significant taxpayer funds, serve the public interest in improved
12 public transit and yield tangible benefits to both agencies, including (1) acquiring new vehicles
13 at the best price by minimizing the necessary supplier engineering investment, and taking
14 advantage of economies of scale; (2) reducing the operating costs of the agencies; (3)
15 improving the reliability of the service;(4) avoiding the unnecessary and considerable
16 expenditure of federal and local funds for two separate yet identical procurement processes
17 with the same vendors; and (5) ensuring that the ambitious environmental policy goals at the
18 local, state and federal levels are exceeded through the purchase of zero-emission vehicles;
19 and

20 WHEREAS, On December 6, 2013, SFMTA, King County and New Flyer of America
21 executed the Bus Options Assignment Agreement, which assigned to SFMTA the option to
22 purchase the 60 articulated trolley coaches, and up to 240 standard trolley coaches and 33
23 additional articulated trolley coaches under the terms and conditions of the King County Bus
24 Procurement Contract; a copy of the Bus Options Assignment Agreement is on file with the
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1 Clerk of the Board of Supervisors in File No. 130713, and is declared to be a part of this
2 motion as if set forth fully herein; and

3 WHEREAS, The SFMTA has negotiated a contract with New Flyer for the purchase of
4 60 articulated trolley coaches, including associated equipment, training, manuals and spare
5 parts for an amount not exceed \$94,950,444 ; the contract also includes an option to
6 purchase up to 33 additional articulated trolley buses and up to 240 additional standard trolley
7 buses; a copy of the contract is on file with the Clerk of the Board of Supervisors in File No.
8 130713, and is declared to be a part of this motion as if set forth fully herein; now, therefore,
9 be it

10 RESOLVED, That the Board of Supervisors authorizes the SFMTA to enter into a
11 contract with New Flyer of America Inc. for the purchase of 60 articulated trolley buses,
12 associated equipment, special tools, training and spare parts, in an amount not to exceed
13 \$94,950,444; and be it

14 FURTHER RESOLVED, That the Board of Supervisors authorizes the SFMTA to enter
15 into any amendments or modifications to the contract (including without limitation, the exhibits)
16 that the Director of Transportation determines, in consultation with the City Attorney, are in the
17 best interests of the City, do not increase the obligations or liabilities of the City, are
18 necessary or advisable to effectuate the purposes of the contract or this Resolution, and are
19 in compliance with all applicable laws, including the City's Charter.

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