

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 12-139

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

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

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

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

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

WHEREAS, On September 4, 2012, the SFMTA Board of Directors adopted Resolution No. 012-116, authorizing the Director of Transportation to execute Contract No. SFMTA-2013-08 (Procurement of Low Floor Diesel Hybrid Coaches) with New Flyer, for an amount not to exceed \$36,889,364, which contract was approved by the Board of Supervisors under Resolution No. 356-12; and

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

WHEREAS, Based on the price of the buses in the original contract with New Flyer, the level of the SOGR grant, along with local matching sales tax funds through Proposition K, will allow the SFMTA to purchase 17 additional low floor diesel hybrid coaches; now, therefore be it

RESOLVED, Based on the above, the SFMTA Board of Directors finds that it is in the best interests of the City that the SFMTA procure 17 additional 40-foot low floor diesel hybrid buses through the Minnesota Cooperative Purchasing Venture by amending its contract with New Flyer; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Amendment No. 1 to Contract No. SFMTA-2013-08 with New Flyer of America Inc., to purchase 17 additional 40-foot low floor diesel-hybrid buses through the Cooperative Purchasing Agreement established by the State of Minnesota's Materials Management Division, for an additional amount of \$11,780,005, and a total contract amount of \$48,669,369, with no change to the term of the contract; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors commends Amendment No. 1 to the Board of Supervisors for its review and approval.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting of November 6, 2012.

*R. Bowmer*

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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency