

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 12-116

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 complied with the third party procurement requirements of the Federal Transit Administration; and

WHEREAS, New Flyer Industries Inc. was one of several companies that submitted proposals in response to the Minnesota Procurement on December 23, 2011; Minnesota accepted the proposal and issued Notification of Contract Award to New Flyer on or about February 3, 2012; 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 CPV; and

WHEREAS, SFMTA staff recommends using the CPV to purchase 45 40-foot low floor diesel-hybrid buses from New Flyer Industries in order to expedite the procurement of buses for the Municipal Railway (Muni); and,

WHEREAS, These buses will replace Muni's fleet of 1999 NABI buses, which have reached the end of their useful life and are ready to be retired; and

WHEREAS, SFMTA staff has negotiated an agreement with New Flyer Industries for the purchase of 45 low floor diesel hybrid buses and related tools, training and spare parts; now, therefore be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute a contract with New Flyer Industries Inc. for the purchase of 45 40-foot low floor diesel-hybrid buses, and related tools, training and spare parts, through the Cooperative Purchasing Venture with the State of Minnesota, for an amount not to exceed \$36,889,364 and for a term not to exceed six years.

I certify that the foregoing resolution was adopted by the Municipal Transportation Agency Board of Directors at its meeting of September 4, 2012.

R. Bowmer

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency