

SAN FRANCISCO  
MUNICIPAL TRANSPORTATION AGENCY  
BOARD OF DIRECTORS

RESOLUTION No. 210518-070

WHEREAS, On December 6, 2013, the City entered into a Bus Options Assignment Agreement with King County, Washington and New Flyer of America New Flyer), under which King County assigned to the City the right to purchase from New Flyer up to 240 40-foot electric trolley buses and 93 60-foot electric trolley buses from options available under a bus procurement contract that King County had previously entered into with New Flyer; and,

WHEREAS, On February 26, 2014, the City entered into Contract No. CPT 632 with New Flyer to purchase 60 60-foot electric trolley buses and associated spare parts, training, manuals, and special tools under the terms and conditions of the Agreement in an amount not to exceed \$94,950,444; and,

WHEREAS, On August 31, 2016, the City and New Flyer entered into Contract Amendment No. 1 to purchase an additional 33 60-foot electric trolley buses and associated spare parts, training, manuals, and special tools, for a new contract amount not to exceed \$150,448,729; and,

WHEREAS, On June 6, 2017, the City and New Flyer entered into Contract Amendment No. 2 to purchase an additional 185 40-foot electric trolley buses and associated spare parts, training, manuals, and special tools, for a new contract amount not to exceed \$395,067,312; and,

WHEREAS, On June 7, 2018, the City and New Flyer entered into Contract Amendment No. 3 to modify the Agreement to (1) include equipment added during the production phase of the Agreement; (2) incorporate an allowance for any future regulatory mandated changes, further requested passenger enhancements, and system modifications resulting from changes to project interfaces; and (3) amend the Schedule of Prices to reflect these changes; resulting in a decrease to the total contract amount of \$9,562,368, and a revised contract amount of \$385,504,944; and,

WHEREAS, On February 2, 2020, the City and New Flyer entered into Contract Amendment No. 4 to (1) delete \$30,082,839 in sales taxes from the amount of the Contract since the City will be paying sales taxes directly to the State of California; remove references to sales taxes; and (2) extend the term of the Agreement by one and a half years to 7.5 years so that the Contractor may complete required and additional trainings; the total contract amount decreased to \$355,422,105, and,

WHEREAS, Due to impacts from the COVID-19 pandemic, the SFMTA now wishes to amend the Agreement to extend its term from 7.5 years to 9.5 years so that the Contractor may complete required and additional trainings, with no change to the amount of the contract; and,

WHEREAS, On April 22, 2021, the SFMTA, under authority delegated by the Planning Department, determined that Amendment No. 5 to Contract No. CPT 632 with New Flyer is not defined as a “project” under the California Environmental Quality Act (CEQA) pursuant Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b) because the actions would not result in a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment; and,

WHEREAS, A copy of the CEQA determination is on file with the Secretary to the SFMTA Board of Directors and is incorporated herein by reference; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to execute Amendment No. 5 to Contract No. CPT 632 with New Flyer of America Inc., to extend the term of the Agreement from 7.5 years to 9.5 years due to impacts from the COVID-19 pandemic so that New Flyer may complete required and additional trainings, with no change to the amount of the contract.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of May 18, 2021.



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Secretary to the Board of Directors  
San Francisco Municipal Transportation Agency