Resolution approving Amendment No. 1 to Contract No. CPT 632 (Procurement of Electric Trolley Buses) with New Flyer of America, Inc., to purchase an additional 33 articulated low-floor electric trolley buses, for an additional amount of $55,498,285 and a total contract amount not to exceed $150,448,729 with no change to the term of the contract; and authorizing the Director of Transportation of the San Francisco Municipal Transportation Agency to enter into amendments or modifications to the Agreement, as defined herein.

WHEREAS, The SFMTA’s fleet of electric trolley buses includes 60 foot articulated trolley buses that have been in service since 1994, well past their useful life of 15 years; and

WHEREAS, Under Administrative Code, Section 21.16, the SFMTA is authorized to utilize the competitive procurement process of another public agency to make purchase of commodities for the use of the City under the terms established in that agency’s competitive procurement process and as agreed upon by the City and the procuring agency; and

WHEREAS, On December 6, 2013, the City entered into a Bus Options Assignment Agreement with King County, Washington and New Flyer of America (Assignment Agreement), 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; and
WHEREAS, The Agreement includes options to purchase an additional 33 60-foot electric trolley buses and up to 240 40-foot electric trolleys buses over the next six years should funding be identified; and

WHEREAS, The SFMTA now wishes to amend the Agreement to exercise the option to purchase 33 articulated 60 foot electric trolley buses and associated spare parts, training, manuals and special tools; and

WHEREAS, This Amendment No. 1 will be funded by a combination of federal formula funds and local matching funds; and

WHEREAS, On April 21, 2016, the SFMTA, under authority delegated by the Planning Department, determined that Amendment No. 1 to Contract No. CPT 632 is not a “project” under the California Environmental Quality Act (CEQA) Guidelines 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, On May 17, 2016, the SFMTA Board of Directors adopted Resolution No. 16-066, which authorized the Director of Transportation to execute Amendment No. 1 to Contract No. CPT 632 with New Flyer of America Inc., to purchase an additional 33 articulated low floor electric trolley buses, for an additional amount of $55,498,285, and a total contract amount not to exceed $150,448,729 with no change to the term of the contract; now therefore, be it

RESOLVED, That the Board of Supervisors approves Amendment No. 1 to Contract No. CPT 632 with New Flyer of America Inc., to purchase an additional 33 low floor electric trolley buses, and associated spare parts, training, manuals and special tools, for an additional amount of $55,498,285, and a total contract amount not to exceed $150,448,729, with no change to the term of the contract; and, be it

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BOARD OF SUPERVISORS
FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of Transportation of the SFMTA to enter into any amendments or modifications to the Agreement (including, without limitation, the exhibits to those documents) that the Director of Transportation determines, in consultation with the City Attorney, are in the best interest of the City, do not increase expenditures or otherwise materially increase the obligations or liabilities of the City, are necessary or advisable to effectuate the purposes of the Agreement, or this Resolution, and are in compliance with all applicable laws, including the City's Charter; and be it

FURTHER RESOLVED, That within 30 days of Amendment No. 1 to Contract No. CPT 632 being fully executed by all parties, the final documents shall be provided to the Clerk of the Board for inclusion in the official file.
Resolution approving Amendment No. 1 to Contract No. CPT 632 (Procurement of Electric Trolley Buses) with New Flyer of America, Inc., to purchase an additional 33 articulated low-floor electric trolley buses, for an additional amount of $55,498,285 and a total contract amount not to exceed $150,448,729 with no change to the term of the contract; and authorizing the Director of Transportation of the San Francisco Municipal Transportation Agency to enter into amendments or modifications to the Agreement, as defined herein.

June 29, 2016 Budget and Finance Sub-Committee - RECOMMENDED

July 12, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160596

I hereby certify that the foregoing Resolution was ADOPTED on 7/12/2016 by the Board of Supervisors of the City and County of San Francisco.

[Signature]
Angela Calvillo
Clerk of the Board

[Signature]
Mayor

Date Approved 7/12/16