

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Public Works *mm*

BOARD AGENDA # * C-2

Urgent Routine

AGENDA DATE August 6, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Authorize the Purchase of Two 40-Foot and One 35-Foot Compressed Natural Gas (CNG) Transit Buses from New Flyer America Inc., for Stanislaus County's Stanislaus Regional Transit (StaRT) Public Transit Bus Fleet

STAFF RECOMMENDATIONS:

1. Authorize the purchase of two 40-foot and one 35-foot CNG transit buses from New Flyer America Inc. (New Flyer) in the amount of \$1,835,042 for Stanislaus County's StaRT public transit bus fleet.
2. Authorize the Public Works Transit Division Manager to sign and execute all necessary documents.

FISCAL IMPACT:

The purchase order for the buses will total \$1,835,042. The total cost is \$1,668,220 with a 10% contingency of \$166,822. The contingency costs are within Federal and State guidelines. The buses are primarily funded with Local Transportation Funds (LTF) which is included in Public Works Local Transit System's Fiscal Year 2013-2014 Adopted Proposed Budget.

(Continued on Page 2)

BOARD ACTION AS FOLLOWS:

No. 2013-397

On motion of Supervisor O'Brien, Seconded by Supervisor Monteith

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

Christine Ferraro

ATTEST:

CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Authorize the Purchase of Two 40-Foot and One 35-Foot Compressed Natural Gas (CNG) Transit Buses from New Flyer America Inc., for Stanislaus County's Stanislaus Regional Transit (StaRT) Public Transit Bus Fleet

FISCAL IMPACT (Continued):

In addition, the buses are partially funded with Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) Program funds awarded to StaRT. On July 1, 2013, staff received reimbursement from the State for the amount of \$2.95 million in PTMISEA program funds. Of this amount \$2.2 million will be used to backfill LTF funding approved by the Board in Fiscal Year 2012-2013 to pay for four fixed route buses. Additionally, \$563,151 will also be used for paratransit buses approved by the Board in Fiscal Year 2012-2013. The remaining amount of \$179,318 will be applied to the proposed bus purchases. There is no impact to the General Fund.

DISCUSSION:

The Stanislaus County Public Works Transit Division oversees the operation of the County's transit system, Stanislaus Regional Transit (StaRT), and as part of its responsibilities researches and provides recommendations on procuring buses for transit services to the Board of Supervisors for approval.

The proposed buses will replace existing buses in StaRT's fleet that have met their useful life as required by the Federal Transit Administration (FTA). The Orion Series V and VII buses currently in use were purchased and placed in service in 2003 and 2008 respectively. As per FTA policy on the useful service life for transit buses and vans, heavy-duty transit buses must meet the established minimum threshold of 12 years or 500,000 miles, whichever comes first. Based on the monthly maintenance reports received for May 2013 from the County's transit operator, Storer Transit Systems, seven out of the ten 40-foot buses in the fleet are close to meeting the mileage requirement of 500,000 miles.

The buses are breaking down more often due to the excess mileage and are requiring more repairs. In addition, the cost of maintaining these buses has increased and continues to increase based on the most recent maintenance report received from the County's service contractor. Over the last six months, buses with the highest mileage in the fleet have continuously had mechanical failures, impacting passengers' ability to get to their jobs, schools, or homes on time. The three requested buses will replace buses that have met their useful life.

It is recommended that the Board approve this request to enable staff to take advantage of the State of Minnesota Department of Transportation (MDOT) contract to procure two large-size heavy-duty 40-foot and one 35-foot mid-size heavy-duty buses on the existing contract. StaRT already has a Cooperative Purchasing Agreement with MDOT and is currently working with New Flyer on bus procurement that began in January 2013. Under FTA guidelines, transit agencies have the opportunity to take advantage of economies of scale by "piggybacking" on the "assignability" provisions of other transit agencies' procurement process to maximize their buying power and minimize cost.

Approval to Authorize the Purchase of Two 40-Foot and One 35-Foot Compressed Natural Gas (CNG) Transit Buses from New Flyer America Inc., for Stanislaus County's Stanislaus Regional Transit (StaRT) Public Transit Bus Fleet

Upon approval by the Board of Supervisors, the Public Works Transit Division will begin the purchase of three CNG buses from New Flyer, off the MDOT contract. Overall, these assignments will ensure the Transit Division receive and place the buses in service in a timely manner.

Attached are the notification of contract award from MDOT to New Flyer America Inc., draft contract agreement between the County and New Flyer America Inc., and copies of the County's Cooperative Purchasing Venture Membership Application and Cooperative Purchasing Agreement with MDOT.

POLICY ISSUES:

Approval of this action supports the Board's priorities of A Well Planned Infrastructure System, Effective Partnerships, and Efficient Delivery of Public Services by participating in a cooperative purchasing agreement to minimize cost of buses while maintaining adequate service levels.

STAFFING IMPACT:

There is no staffing impact associated with this request.

CONTACT PERSON:

Eunice Lovi, Public Works Transit Manager. Telephone: 209-525-7560.

EL:lc

H:\Eunice Lovi\BOS\FY 13-14\Bus Procurement \Bus Procurement Contract Approval_BOS 7.30.13

STANISLAUS COUNTY PUBLIC WORKS – TRANSIT DIVISION
PURCHASE ORDER ATTACHMENT
HEAVY-DUTY LOW FLOOR CNG TRANSIT BUSES

This agreement is made by and between THE COUNTY OF STANISLAUS, hereinafter referred to as "COUNTY", and NEW FLYER OF AMERICA, INC., hereinafter referred to as "CONTRACTOR". Witnesseth, that CONTRACTOR and COUNTY, for the consideration hereinafter named, agree as follows:

1. SCOPE OF WORK

CONTRACTOR shall perform all work and furnish the labor, materials, tools, equipment, services and incidentals required under the Contract, in full accordance with the Minnesota Department of Transportation Contract Number 056191 and Release Number B-347(5) dated January 1, 2013.

2. TIME OF PERFORMANCE

CONTRACTOR shall complete all of the work called for under this agreement, particularly described in Paragraphs 1 and 2 herein above, on or before December 31, 2013.

3. CONTRACT PRICE

CONTRACTOR shall faithfully perform each and every type of work required under this Agreement as stated in the Pricing Document attached hereto as Exhibit B and incorporated by reference. The amount to be paid per bus shall not exceed \$613,763 per 40-foot bus without overhead racks and \$607,517 per 35-foot bus without overhead racks. Any additions or subtractions from this Contract sum shall be made only in writing by authorized representatives of CONTRACTOR and COUNTY.

4. CONTRACT DOCUMENTS

This agreement shall consist of the following documents, each of which is on file in the Office of the County of Stanislaus Public Works – Transit Division, and all of which are incorporated herein and made as part of hereof by reference hereto, including all additions and deletions agreed to by both parties.

- Copy of Public Works – Transit Division Membership Application to Participate in the Cooperative Purchasing Venture (CPV). Exhibit A
- Copy of Cooperative Purchasing Agreement between MDOT – Materials Management Division and the County. Exhibit B

5. SERVICE OF NOTICE

Any notice required or permitted to be given under this Agreement shall be deemed given when personally delivered to recipient thereof or mailed by registered or certified mail, return receipt requested, prepaid postage, to the appropriate recipient thereof, addressed as follows:

CONTRACTOR:

Paul Smith
Executive Vice President, Sales and Marketing
New Flyer America, Inc.,
711 Kernaghan Avenue
Winnipeg, Manitoba RC2 3T4

COUNTY:

Eunice Lovi, Transit Manager
Stanislaus County Public Works – Transit Division
1010 10th Street, Suite 4204
Modesto, CA 95354

Or at any address which either party may subsequently designate in writing to the other party.

6. GOVERNING LAW

Notwithstanding anything to the contrary that may be in MDOT – Materials Management Division Contract, this Agreement shall be governed and construed in accordance with the laws of the State of California. The parties agree that the venue for any court proceeding relating in any way to this Contract shall lie in Modesto California.

7. NON-DISCRIMINATION

CONTRACTOR shall comply with all applicable federal, state, and local laws, rules, and regulations in regard to non-discrimination in employment regardless of race, creed, color, sexual orientation, marital status, physical or mental disability, or national origin.

8. CHANGES AND MODIFICATIONS

This writing is intended both as the final expression of the Agreement between the parties hereto with respect to the included terms and as a complete and exclusive statement of the terms of the A, pursuant to CCP 1856. No modification of this Agreement shall be effective unless and until such modification is evidenced in writing signed by both parties. The total funding for this purchase may not exceed \$1,835,042 unless the COUNTY and CONTRACTOR agree in writing, to changes in or additions to the work plan.

CONTRACTOR – NEW FLYER AMERICA, INCORPORATED

BY: 

DATE: July 26, 2013

NAME: David White

TITLE: Executive VP Supply Management

BY: 

DATE: July 26, 2013

NAME: Glenn Asham

TITLE: Chief Financial Officer

AS APPROVED TO FORM:


BY: 

DATE: July 26, 2013

NAME: Christy Davidson

TITLE: Executive Assistant

COUNTY – COUNTY OF STANISLAUS PUBLIC WORKS –TRANSIT DIVISION

BY: 


DATE: 7-29-2013

NAME: Eunice Levi

TITLE: Transit Manager

AS APPROVED TO FORM:

John P. Doering
County

BY: 

DATE: _____

Thomas E. Boze
Deputy County Counsel