

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

DEPT: Public Works *adlm*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE June 16, 2015

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Award a Five Year Contract to New Flyer of America, Inc., to Purchase Twenty-five 40-Foot Compressed Natural Gas Transit Buses between June 1, 2015 and April 30, 2020 for the Stanislaus Regional Transit (StaRT) Bus Fleet

STAFF RECOMMENDATIONS:

1. Award a five year contract to New Flyer of America, Inc., to purchase twenty-five 40-foot Compressed Natural Gas (CNG) transit buses between June 1, 2015 and April 30, 2020 for Stanislaus County's StaRT bus fleet, in the amount not to exceed \$18,563,315.
2. Authorize the Public Works Transit Division Manager to sign and execute all necessary documents.

FISCAL IMPACT:

The total cost of the bus procurement is estimated to be \$20,790,913 which includes purchase of the buses, inspection costs, pre-production meeting, and a 12% contingency allowance. The contingency costs are within Federal and State guidelines. The buses will be funded with Local Transportation Funds received annually in the Transportation Development Act claim process. The Fiscal Year 2014-2015 Final Adopted Budget Public Works Local Transit Division approved \$2,349,638 for three buses and the related costs.

BOARD ACTION AS FOLLOWS:

No. 2015-271

On motion of Supervisor Monteith, Seconded by Supervisor De Martini
and approved by the following vote,

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

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) X Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:

ATTEST: *Christine Ferraro*
CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Award a Five Year Contract to New Flyer of America, Inc., to Purchase Twenty-five 40-Foot Compressed Natural Gas Transit Buses between June 1, 2015 and April 30, 2020 for the Stanislaus Regional Transit (StaRT) Bus Fleet

DISCUSSION:

In November 2014, the County Public Works Transit Division joined a joint procurement led by Omnitrans in San Bernardino, California to procure Compressed Natural Gas (CNG) 40-Foot CNG buses. On February 4, 2015, Omnitrans Board of Directors approved the release of a Request for Proposal (RFP) MNT15-103 for the provision of 40-Foot CNG buses. By the deadline of March 24, 2015, only one proposal was received from New Flyer of America, Inc. Based on review and further negotiations, New Flyer issued the Best and Final Offer. The Federal Transit Administration has encouraged transit agencies to take advantage of economies of scale by jointly procuring vehicles to maximize their buying power and to minimize cost. StaRT has the flexibility to purchase a maximum of five buses each year; however, the estimated number of buses to be purchased may vary each year depending on the number of replacement buses needed and the funding available.

Staff recommends the Board approve a multi-year contract with New Flyer of America, Inc., to procure the buses for StaRT's fleet for a five year period. Upon approval of the contract by the Board, staff will procure three 40-ft CNG buses for the first year of the contract. The base cost of the bus is \$699,297. In the second, third, fourth and fifth year terms of the contract, the \$699,297 cost per bus will be subject to the Producers Price Index (PPI), estimated at the rate of 3% based on the prior year's bus price.

In addition to Transportation Development Act (TDA) funds, staff will use funds from the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA) to backfill the use of TDA funds to pay for procuring the buses. Overall, this scheduled replacement program will ensure that the Transit Division receives and places buses in service in a timely manner as the vehicles reach the end of their useful lives.

POLICY ISSUES:

Approval of this action supports the Board's priority of A Well Planned Infrastructure System and Efficient Delivery of Public Services by ensuring the County's public transit system complies with Federal and State efficiency standards.

STAFFING IMPACT:

Existing staff in the Transit Division will work on the procurement along with staff in the Public Works Department and Purchasing Division.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: 209-525-4153.

ATTACHMENTS:

Purchase Order Attachment

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 Request for Proposals released by Omnitrans in San Bernardino under RFP Number MNT15-103 dated February 4, 2015.

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 April 30, 2020.

3. CONTRACT PRICE

CONTRACTOR shall faithfully perform each and every type of work required under this Agreement as stated in the Best and Final Offer (BAFO) issued by New Flyer of America, Inc. and incorporated by reference. The amount to be paid per bus shall not exceed \$699,297.00 per 40-foot bus, however, in the second, third, fourth and fifth year terms of the contract, the \$699,297 cost per bus will be subject to the Producers Price Index (PPI), estimated at the rate of 3% based on the prior year's bus price. Any additions or subtractions from this Contract sum shall be made only in writing by authorized representatives of CONTRACTOR and COUNTY.

The Federal Transit Administration has encouraged transit agencies to take advantage of economies of scale by jointly procuring vehicles to maximize their buying power and to minimize cost. The contract allows StaRT to purchase up to five buses each year; however, the estimated number of buses to be purchased each year may vary depending on the number of replacement buses needed and the funding available.

4. CONTRACT DOCUMENTS

This agreement shall consist of the RFP 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.

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 the Omnitrans RFP, 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 \$18,563,315 unless the COUNTY and CONTRACTOR agree in writing, to changes in or additions to the work plan.

CONTRACTOR – NEW FLYER AMERICA, INCORPORATED

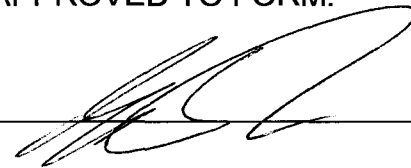
BY: 

DATE: June 8, 2015

NAME: Paul Soubry

TITLE: President & CEO

AS APPROVED TO FORM:


BY: 

DATE: June 8, 2015

NAME: Glenn Asham

TITLE: CFO

COUNTY – COUNTY OF STANISLAUS PUBLIC WORKS –TRANSIT DIVISION

BY: 


DATE: June 18, 2015

NAME: Eunice Lovi

TITLE: Transit Manager

AS APPROVED TO FORM:

John P. Doering
County

BY: 
Thomas E. Boze
Deputy County Counsel

DATE: 5/29/15