Resolution approving an agreement with Creative Bus Sales, Inc. to procure 30 32-foot, low floor, diesel-hybrid buses and related tools, training, manuals, and spare parts through a procurement by the State of Georgia, in an amount not to exceed $26,071,700 and for a term not to exceed six years to commence following Board approval.

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, after 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, In 2017, the State of Georgia, the Department of Administrative Services, Purchasing Division (DOAS), issued a competitive request for proposals (RFP) for supplemental Public Mass Transit & Transportation Vehicles and Related Equipment and Accessories (the Georgia Procurement); the Georgia Procurement complies with the third party procurement requirements of the Federal Transit Administration and is available for interstate purchases from public entities; and

WHEREAS, Creative Bus Sales, Inc., submitted a proposal in response to the Georgia Procurement that was opened on December 14, 2017; DOAS accepted the proposal and issued Notification of Contract Award to Creative Bus Sales, Inc. on or about July 1, 2018 (Georgia contract); and

WHEREAS, On November 8, 2018, DOAS has issued two amendments to the Georgia contract to extend its term to June 30, 2021; and
WHEREAS, The SFMTA requires 30 32-foot low floor diesel-hybrid buses (the hybrid buses) to replace Muni’s fleet of 2007 Orion buses, which have reached the end of their useful life and are ready to be retired; and

WHEREAS, The Orion vehicles are the smallest Muni vehicles and allow the SFMTA to serve hilltop neighborhoods with tight turns; and

WHEREAS, Purchasing vehicles through a regular request for proposals process would add costs and take much longer than procuring them through the Georgia Procurement; therefore, SFMTA staff recommends using the Georgia contract to purchase the hybrid buses from Creative Bus Sales Inc., in order to expedite the procurement of buses for the SFMTA; and

WHEREAS, SFMTA staff has negotiated an agreement with Creative Bus Sales, Inc., to purchase 30 32-foot diesel-hybrid buses and related tools, training, manuals, and spare parts; and

WHEREAS, Based on the above, the SFMTA Board of Directors found that it is in the best interests of the City that the SFMTA procure the hybrid buses from Creative Bus Sales, Inc., through the Georgia Procurement; and

WHEREAS, On March 2, 2021, the SFMTA Board of Directors adopted Resolution No. 210302-028, authorizing the Director of Transportation of the SFMTA to execute Contract No. SFMTA-2021-07 with Creative Bus Sales, Inc. to procure 30 32-foot, low floor, diesel-hybrid buses and related tools, training, manuals, and spare parts through a procurement by the State of Georgia, in an amount not to exceed $26,071,700 and for a term not to exceed six years; and

WHEREAS, On February 5, 2021, the SFMTA, under authority delegated by the Planning Department, determined that the contract with Creative Bus Sales, Inc. for hybrid motor coach procurement is not a project under the California Environmental Quality Act
(CEQA) pursuant to Title 14 of the California Code of Regulations Sections 15060(c) and 15378(b); and,

WHEREAS, Under Charter Section 9.118, the Board of Supervisors must approve this Contract since it is an expenditure contract in excess of $10 million dollars; and

WHEREAS, A copy of the said Contract is on file with the Clerk of the Board of Supervisors in File No. 210262, which is declared to be a part of this resolution as if set forth fully herein; now, therefore, be it

RESOLVED, the Board of Supervisors authorizes the SFMTA to enter into a contract with Creative Bus Sales, Inc., to procure 30 32-foot, low floor, diesel-hybrid buses and related tools, training, manuals, and spare parts, through a procurement by the State of Georgia, in an amount not to exceed $26,071,700 and for a term not to exceed six years; and, be it

FURTHER RESOLVED, That the Board of Supervisors authorizes the SFMTA to approve any additions, amendments or other modifications to the Contract that the Director of Transportation, in consultation with the City Attorney, determines is in the best interest of the SFMTA, do not materially increase the obligations or liabilities of the SFMTA or City, or materially decrease the public benefits accruing to the SFMTA, and are necessary or advisable to complete the transactions contemplated and effectuate the purpose and intent of this Resolution, such determination to be conclusively evidenced by the execution and delivery by the Director of Transportation of any such documents; and be it

FURTHER RESOLVED, That within 30 days of Contract No. SFMTA-2021-07 being fully executed by all parties, the SFMTA shall provide the final contract to the Clerk of the Board for inclusion in the official file.
Resolution approving an agreement with Creative Bus Sales, Inc. to procure 30 32-foot, low floor, diesel-hybrid buses and related tools, training, manuals, and spare parts through a procurement by the State of Georgia, in an amount not to exceed $26,071,700 and for a term not to exceed six years to commence following Board approval.

March 24, 2021 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 24, 2021 Budget and Finance Committee - RECOMMENDED AS AMENDED

April 06, 2021 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

I hereby certify that the foregoing Resolution was ADOPTED on 4/6/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved 4.16.21