

RESOLUTION 2004- 64

AUTHORIZING CONTRACT NO. 2003-045 WITH NEW FLYER OF AMERICA INC. FOR THE FURNISHING OF TWENTY-ONE (21) LOW FLOOR ARTICULATED COACHES WITH AN OPTION TO PROCURE UP TO 50 ADDITIONAL COACHES AT A PRICE NOT TO EXCEED \$20,525,134.00 FOR THE TWENTY-ONE (21) BASE COACHES (EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).

WHEREAS, the Greater Cleveland Regional Transit Authority desires to provide bus rapid transit (BRT) service as a feature of the Euclid Corridor Transportation Project; and

WHEREAS, the Euclid Corridor Transportation Project will display state-of-the-art bus design and propulsion systems; and

WHEREAS, the proposal of New Flyer of America Inc., with offices at 214-5th Avenue South West, Crookston, MN 56716, was received for providing twenty-one (21) low floor articulated coaches with an option to procure up to 50 additional coaches was received on August 4, 2003, and

WHEREAS, the General Manager deems the offer of New Flyer of America Inc. as negotiated to be most favorable to the Authority, cost and all other factors considered, and recommends acceptance to the Board of Trustees dependent upon the satisfactory completion of the cost analysis and compliance with FTA pre-award Buy American audit requirements, and receipt of FTA Letter Of No Prejudice.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That the proposal submitted by New Flyer of America Inc. as modified by negotiations, for the furnishing of twenty-one (21) low floor articulated coaches with an option to procure up to 50 additional coaches be and the same is hereby accepted as being in the best interest of the Authority.

Section 2. That the General Manager of the Authority be and he is hereby authorized to enter into a contract with New Flyer of America Inc. for the furnishing of twenty-one (21) low floor articulated coaches with an option to procure up to 50 additional coaches contingent upon the satisfactory completion of the cost analysis and compliance with FTA pre-award Buy American audit requirements, and receipt of FTA Letter Of No Prejudice, be and the same is hereby accepted as being in the best interest of the Authority.

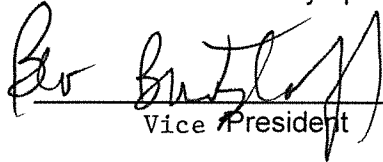
Section 3. That said contract shall be payable from the RTA Development Fund, Euclid Corridor Transportation Project Department and Fleet Management Department Budgets, including but not limited to local funds, of a total contract amount not to exceed twenty million five hundred twenty-five thousand one hundred thirty-four & 00/100 dollars (\$20,525,134.00);

Design, Engineering and Test in the amount of one million nine hundred seventy-five thousand one hundred & 00/100 (\$1,975,100.00) will be paid from Euclid Corridor Transportation Project Budget, including but not limited to Grant OH-03-0228 (\$1,580,080 in Federal funds which represents 80% of design, engineering and test costs). Vehicle cost in an amount not to exceed seventeen million eight hundred fifty thousand & 00/100 (\$17,850,000.00), Spare Parts and Tooling in the amount not to exceed five hundred twelve thousand five hundred seventeen & 00/100 (\$512,517.00), and Vehicle Maintenance Training in an amount not to exceed one hundred eighty seven thousand five hundred seventeen & 00/100 (\$187,517.00) to be paid for from Federal New Starts Funds including but not limited to local funds and the Fleet Management Department Budget.

Section 4. That said contract shall be binding upon and an obligation of the Authority contingent upon appropriation of funds for the current and future contract years and upon compliance by the contractor to the Specifications and Addenda, if any, the Affirmative Action Plan adopted by the Board of Trustees in Resolution 2003-107, bonding and insurance requirements and all applicable laws relating to contractual obligations of the Authority.

Section 5. That this resolution shall become effective immediately upon its adoption.

Adopted: April 20, 2004



Vice President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

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TITLE/DESCRIPTION: AUTHORIZING CONTRACT NO. 2003-045 WITH NEW FLYER OF AMERICA INC. FOR THE FURNISHING OF TWENTY-ONE (21) LOW FLOOR ARTICULATED COACHES WITH AN OPTION TO PROCURE UP TO 50 ADDITIONAL COACHES AT A PRICE NOT TO EXCEED \$20,525,134.00 FOR THE TWENTY-ONE (21) BASE COACHES (EUCLID CORRIDOR TRANSPORTATION PROJECT DEPARTMENT BUDGET).	Resolution No.: 200464
	Date: April 15, 2004
	Initiator: Fleet Management
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This action will allow the Authority to enter into a contract for the design, engineering, test and build of twenty-one (21) low floor articulated vehicles, which include operator and maintenance training and spare parts.
- 2.0 DESCRIPTION/JUSTIFICATION: One of the key components of a bus rapid transit system is the ability to transport travelers, efficiently and safely with an environmentally friendly propulsion system. This procurement will acquire such a vehicle for the GCRTA. The Euclid Corridor Transportation Project is funded under the Federal Transit Administration's New Starts program. The Bus Rapid portion of the Euclid Corridor Transportation Project is pending final approval based upon the Authority's Full Funding Grant Agreement application.
- 3.0 PROCUREMENT BACKGROUND: Requests for Proposals for twenty-one (21) articulated low floor vehicles with an option for up to fifty (50) additional vehicles were sent to the three major U.S. bus manufacturers whom expressed an interest on reviewing the proposal requirements for this BRT vehicle. One proposal was received on August 4, 2003 for this solicitation. Negotiations with New Flyer of America Inc. have resulted in the re-design of New Flyer of America's model DE60LF articulated vehicle.

After evaluation by a panel of Authority employees in accordance with established Procurement Policies and Procedures, and after negotiations, the proposal of New Flyer of America Inc. was determined to be advantageous to the Authority.

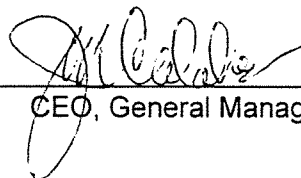
The negotiated cost of this contract consist of a not to exceed amount of \$1,975,100.00 for design and engineering costs, a not to exceed amount of \$17,850,000.00 for the manufacture of the 21 vehicles, a not to exceed amount of \$187,517.00 for operator and maintenance training and a not to exceed amount of \$512,517.00 for spare parts and tooling for a total amount not to exceed \$20,525,134.00. A Notice to Proceed on the 20 production vehicles will be based on the acceptance of the build and test of the first/prototype vehicle.

Contract award is contingent upon the successful review of all cost associated with this procurement and compliance with Pre-Award / Buy America Audit requirements.

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- 4.0 AFFIRMATIVE ACTION/DBE COMPLIANCE: All Affirmative Action requirements have been met. The Office of Business Development does not establish goals on Transit Vehicle Manufacturer (TVM) contracts. However, per the FTA regulations, the Office of Business Development has received and reviewed the New Flyer's TVM Certification and 2004 DBE goal submitted to FTA, as required before contract award:
- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: The Bus Rapid Transit component of the Euclid Corridor Transportation Project is funded under the Federal Transit Administration's New Starts program. The Bus Rapid portion of the Euclid Corridor Transportation Project is pending final approval based upon the Authority's Full Funding Grant Agreement application. If the Full Funding Grant Agreement is not approved the Authority will pay for the vehicles, spare parts, tooling, vehicle and operator training of a not to exceed amount of \$18,550,034.00, from other funds including but not limited to local funds and Fleet Management Department budget. Design, Engineering and Test in the amount of one million nine hundred seventy-five thousand one hundred & 00/100 (\$1,975,100.00) will be paid from Euclid Corridor Transportation Project Budget, including but not limited to Grant OH-03-0228 (\$1,580,080 in Federal funds which represents 80% of design, engineering and test costs), 20% (\$395,020.00) will be paid from local funds and Fleet Management Department budget.
- 7.0 ALTERNATIVES: Reject this award. Rejection of this award would delay the acquisition of the low-floor articulated vehicles and seriously impact the successful implementation of the Euclid Corridor Transportation Project.
- 8.0 RECOMMENDATION: The Planning and Development Committee of the Board of Trustees reviewed the status of this project at its April 6, 2004 meeting. It is recommended that the proposal of New Flyer of America, Inc., as negotiated, be accepted and the resolution passed authorizing the General Manager to enter into a contract.
- 9.0 ATTACHMENTS: None.

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



CEO, General Manager/Secretary-Treasurer