

RESOLUTION NO. 2008-76

AUTHORIZING AN OPTION TO CONTRACT NO. 2003-045 WITH NEW FLYER OF AMERICA INC. FOR TWENTY (20) SIXTY FOOT (60') ARTICULATED LOW FLOOR COACHES, MISCELLANEOUS SPARE PARTS AND VEHICLE MAINTENANCE TRAINING IN AN AMOUNT NOT TO EXCEED \$13,135,500.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$33,785,260.90 (RTA DEVELOPMENT FUND, FLEET MANAGEMENT DEPARTMENT BUDGET)

WHEREAS, the Authority has a need to replace transit coaches that have exceeded their useful life; and

WHEREAS, by Resolution 2004-064, the Board of Trustees authorized Contract 2003-045 with New Flyer of America Inc., with offices at 214-5th Avenue, Crookston, MN 56716 to provide twenty-one (21) sixty foot (60') articulated low floor coaches and miscellaneous spare parts with an option to procure up to 50 additional coaches; and

WHEREAS, the General Manager/Secretary-Treasurer awarded a contract in an amount not to exceed \$20,508,995.00; and

WHEREAS, the General Manager/Secretary-Treasurer has issued six (6) change orders in the net amount of \$140,765.90 based upon his change order authority pursuant to the Authority's Procurement Policies for a total contract amount not to exceed \$20,649,760.90 and now deems exercising an option to procure twenty (20) additional coaches for delivery in the year 2009 in an amount not to exceed \$13,135,500.00, to be advantageous to the Authority; and

WHEREAS, this contract option is in support of GCRTA's bus replacement program and is not related to the Euclid Corridor Transportation Project; and

WHEREAS, the General Manager/Secretary-Treasurer deems the proposed price from New Flyer of America Inc., for twenty (20) sixty foot (60') articulated low floor coaches and miscellaneous spare parts and special tooling and vehicle training for delivery in 2009, to be most advantageous and recommends acceptance thereof by the Board of Trustees.

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., for an additional twenty (20) sixty foot (60') articulated low floor coaches, including miscellaneous spare parts and special tooling and vehicle maintenance training for delivery in 2009, be and the same is hereby accepted.

Section 2. That the General Manager/Secretary-Treasurer of the Authority be and he is hereby authorized to exercise the option to Contract 2003-045 with New Flyer of America Inc., to procure twenty (20) sixty foot (60') articulated low floor coaches, miscellaneous spare parts, special tooling and vehicle maintenance training.

Section 3. That this option shall be payable out of the RTA Development Fund, Fleet Management Department budget, including but not limited to Capital Grant OH-90-X607 (\$711,600), OH-95-X0008 (\$8,729,000), ODOT 2008 Formula (\$782,000), ODOT 2008 CMAQ (\$1,320,000) and 100% Local Match Funds (\$1,191,700) for an amount not to exceed \$13,135,500.00 (\$9,975,440 in Federal funds which represents approximately 76% of the total cost) for a total contract amount not to exceed \$33,785,260.90. The vehicle cost will be a total price not to exceed twelve million seven hundred thirty-five thousand & 00/100 dollars (\$12,735,000.00), miscellaneous spare parts and special tooling will be at a total price not to exceed three hundred forty thousand five hundred & 00/100 dollars (\$340,500.00) and the vehicle maintenance training will be at a total price not to exceed sixty thousand & 00/100 dollars (\$60,000.00). This contract is contingent upon FTA approval of grant amendments.

Section 4. That all other terms and conditions of said contract shall remain unchanged.

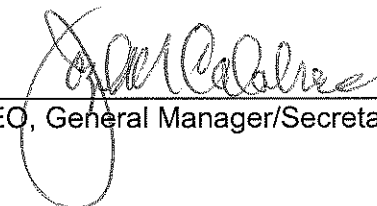
Section 5. That the Greater Cleveland Regional Transit Authority's Board of Trustees expects New Flyer of America Inc. will attempt to exceed the 0% DBE goal assigned to this procurement.

Section 6. That this resolution shall become effective immediately upon its adoption.

Adopted: May 20, 2008



President

Attest: 

CEO, General Manager/Secretary-Treasurer



Greater Cleveland Regional Transit Authority
STAFF SUMMARY AND COMMENTS

Title/Description: AUTHORIZING AN OPTION TO CONTRACT NO. 2003-045 WITH NEW FLYER OF AMERICA INC. FOR TWENTY (20) SIXTY FOOT (60') ARTICULATED LOW FLOOR COACHES, MISCELLANEOUS SPARE PARTS AND VEHICLE MAINTENANCE TRAINING IN AN AMOUNT NOT TO EXCEED \$13,135,500.00 FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$33,785,260.90 (RTA DEVELOPMENT FUND, FLEET MANAGEMENT DEPARTMENT BUDGET).	Resolution No.: 2008-76
	Date: May 15, 2008
	Initiator: Fleet Management Department
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 exercise an option on Contract No. 2003-045 for (20) sixty foot (60 ft.) articulated low floor coaches to replace transit coaches purchased in 1997, which have exceeded their useful life.

- 2.0 **DESCRIPTION/JUSTIFICATION:** On April 24, 2004 the Board of Trustees passed resolution 2004-064, which authorized the General Manager/Secretary-Treasurer to enter into a contract with New Flyer of America, Inc., for the purchase of twenty-one (21) sixty foot (60') articulated low floor coaches with an option for an additional 50 coaches. In order to meet increased service demand the Authority now wishes to exercise an option for twenty (20) additional coaches. These articulated coaches will be used to service non-ECTP bus routes. This contract option is in support of GCRTA's bus replacement program and is not related to the Euclid Corridor Transportation Project.

- 3.0 **PROCUREMENT BACKGROUND:** New Flyer of America, Inc. was awarded Contract No. 2003-045 as a result of a competitive Request for Proposal process. The proposal was for twenty-one (21) sixty foot (60 ft.) articulated low floor coaches with an option to purchase an additional 50 coaches.

 The option purchase will consist of 3 (5) door and 17 (3) door 60 foot low floor articulated coaches. Both vehicles will utilize an environmentally friendly engine, which is fully compliant, and EPA certified for public transit.

 A cost analysis has been performed and the Procurement Department has determined the option pricing to be fair and reasonable to the Authority.

 The procurement of the option is contingent upon the review and compliance of the change order committee and pre-award and Buy American Audits.

- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** All Affirmative Action requirements have been met. In accordance with Federal regulations, the Office of Business Development does not establish goals on Transit Vehicle Manufacturer (TMV) contracts. As required, OBD has received and reviewed New Flyer's TVM Certification and 2008 DBE Goal submitted to FTA.

- 5.0 **POLICY IMPACT:** Does not apply.

- 6.0 **ECONOMIC IMPACT:** This option shall be payable out of the RTA Development Fund, Fleet Management Department budget including but not limited to Capital Grant OH-90-X607, Line Item 11.12.06 (\$711,700), Line Item 11.79.00 (\$60,500) and Line Item 11.12.40 (\$340,700), OH-95-X008 (\$8,729,000), Line Item 11.12.06, ODOT 2008 Formula (\$782,000), ODOT 2008 DMAQ (\$1,320,000) and 100% Local Match Funds (\$1,191,700) for an amount not to exceed \$13,135,500.00 (\$9,975,440 in Federal funds which represents approximately 76% of the total cost) for a total contract amount not to exceed \$33,785,260.90. The vehicle cost will be a total price not to exceed twelve million seven hundred thirty-five thousand & 00/100 dollars (\$12,735,000.00), miscellaneous spare parts and special tooling will be at a total price not to exceed three hundred forty thousand five hundred & 00/100 dollars (\$340,500.00) and the vehicle maintenance training will be a total price not to exceed sixty thousand & 00/100 dollars (\$60,000.00). This contract is contingent upon FTA approval of grant amendments.
- 7.0 **ALTERNATIVES:** Reject this offer. Rejection of this offer would cause delays in the procurement of replacement vehicles and cause the Authority to use vehicles, which have exceeded their useful life.
- 8.0 **RECOMMENDATION:** It is recommended that the exercising of this option be accepted and the resolution passed authorizing the General Manager/Secretary-Treasurer to amend the contract, contingent upon Change Order Committee approval and Buy America certification for said option.
- 9.0 **ATTACHMENTS:** Approved Change Order Log

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



CEO, General Manager/Secretary-Treasurer

CHANGE ORDERS LOG
CONTRACT NO.
2003-045

**Procurement Of Twenty-One (21) Sixty Foot (60') Articulated Low Floor Coaches
With An Option To Procure Up To 50 Additional Coaches
Exercised Within Five Years Of Contract Signature**

Contract # 2003-045

Contractor: New Flyer

Original Contract Amount \$ 20,508,995.00 Total G.M. C.O. Authority \$ 500,000.00

Total Change Order Amount To Date **\$140,765.90**

<i>ITEM NO.</i>	<i>Note No.</i>	<i>Approval Date</i>	<i>CHANGE ORDER AMOUNT</i>	<u>APPROVAL Authority</u>	<i>NEW CONTRACT AMOUNT</i>
1	CO# 1	12-08-2004	\$46,273.00	GM	\$20,555,268.00
2	CO# 2	2-21-2006	\$45,270.00	GM	\$20,600,538.00
3	CO# 3	9-21-2007	\$24,439.00	GM	\$20,624,977.00
4	CO # 4	9-21-2007	\$66,160.40	GM	\$20,691,137.40
5	CO #5	1-28-2008	No Cost	GM	\$20,691,137.40
6	CO # 6	3-18-08	-\$41,376.50	GM	\$20,649,760.90

NOTES/CHANGE ORDER DESCRIPTION:

Item # 1 – Exterior Re-design

Item # 2 - Docking Arm Development

Item # 3 - Various Mechanical Systems Upgrades, and Service Quality Improvements.

Item # 4 - S-1 Guard and Lapel Mic

Item # 5 - Reallocation of Funds To Procure RTV Docking Arms Kits and Spare Parts (No Cost)

Item # 6 – Liquidated Damages & Docking Assist System (Credit)