

RESOLUTION NO. 2021-21

AUTHORIZING THE EXERCISE OF AN OPTION UNDER CONTRACT NO. 2020-046 WITH NEW FLYER OF AMERICA, INC., FOR THE PURCHASE AND DELIVERY OF UP TO NINE (9), FIVE (5) DOOR, 60-FT., ARTICULATED BRT COACHES, AS SPECIFIED, FOR A PRICE NOT TO EXCEED \$8,746,054.20 (RTA DEVELOPMENT FUND, FLEET MANAGEMENT DEPARTMENT BUDGET)

WHEREAS, the Authority has identified the need to replace revenue vehicles that have exceeded their useful life with similar environmentally friendly fuel efficient vehicles; and

WHEREAS, Resolution No. 2020-061 authorized Contract No. 2020-046 with New Flyer of America, Inc., for the manufacture and delivery of up to seven (7), five (5) door 60-ft., articulated BRT coaches plus training, special tools and spare parts and the funding for the purchase of 7 coaches for delivery in 2021, with an option to procure up to an additional 21 coaches plus training, special tools and spare parts over the five year term of the contract; and

WHEREAS, New Flyer of America, Inc., with offices located at 6200 Glenn Carlson Drive, St. Cloud, MN 56301, has offered to manufacture and deliver an additional nine (9), five (5) door, 60-ft., articulated BRT coaches, for a total negotiated contract amount not to exceed \$8,746,054.20; and

WHEREAS, the General Manager, Chief Executive Officer deems the offer of New Flyer of America, Inc. as negotiated, to be advantageous to the Authority, cost and other factors considered, 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 offer of New Flyer of America, Inc. to provide up to nine (9), five (5) door, 60-ft. articulated BRT coaches, be and the same is hereby accepted.

Section 2. That the General Manager, Chief Executive Officer of the Authority be and she is hereby authorized to exercise an option to Contract No. 2020-046 with New Flyer of America, Inc. to provide funding for the purchase of up to nine (9), five (5) door, 60-ft. articulated BRT coaches.

Section 3. This contract option shall be payable from the RTA Development Fund, Fleet Management Department budget, including but not limited to 100% Local Funds in the amount of \$1,743,918.45, FTA Capital Grant OH-2019-037-307 in the amount of \$1,800,000.00, Capital Grant OH-2020-004-307 in the amount of \$178,125.00, and 100% Local Advance Funds pending FTA grant revisions of OH-2019-037-307 (\$2,298,772.00) and OH-2020-004-307 (\$2,725,238.75) for a total contract option amount not to exceed \$8,746,064.20 (\$5,601,716.60 in federal funds which represents 64% of the total cost).

Section 4. That said contract option shall be binding upon and an obligation of the Authority contingent upon compliance by the contractor to the Specifications and Addenda, thereto, if any; the Affirmative Action Plan adopted by the Board of Trustees; bonding and insurance requirements; and all applicable laws relating to contractual obligations of the Authority.

Section 5. That the General Manager, Chief Executive Officer's change order authority be reinstated in its entirety.

Section 6. That all terms and conditions of the original contract remain unchanged.

Section 7. That this resolution shall become effective immediately upon its adoption.

Adopted: March 23, 2021

  
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President

Attest:   
\_\_\_\_\_  
Interim Secretary- Treasurer



<b>TITLE/DESCRIPTION:</b> <b>CONTRACT:</b> AUTHORIZING THE PURCHASE OF UP TO NINE (9) FIVE (5) DOOR 60-ft. ARTICULATED BRT COACHES  <b>VENDOR:</b> NEW FLYER OF AMERICA, INC.  <b>AMOUNT:</b> NOT TO EXCEED \$8,746,054.20	<b>Resolution No.:</b> 2021-21
	<b>Date:</b> March 18, 2021
	<b>Initiator:</b> Fleet Management Department
<b>ACTION REQUEST:</b> <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 authorize the funding to exercise the option for the procurement of up to nine (9) of the remaining twenty-one (21) five (5) door 60-ft articulated BRT coach options on Contract No. 2020-046. The options were approved by the Board of Trustees in Resolution No. 2020-061, adopted August 25, 2020.
  
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Authority intends to replace some of its fleet of New Flyer five (5) door articulated BRT coaches. The 2007 five (5) door 60-ft New Flyer articulated BRT coach has reached the end of its useful life and needs to be replaced. This purchase will replace nine (9) of the New Flyer five (5) door 60-ft articulated BRT coaches. The procurement of these articulated BRT coaches will ensure adequate vehicles will be available for the Authority's HealthLine services.
  
- 3.0 **PROCUREMENT BACKGROUND:** On August 25, 2020, the Authority awarded Contract No. 2020-046 to New Flyer of America, Inc. for the manufacture and delivery of up to seven (7), five (5) door 60-ft., articulated BRT coaches, spare parts, tooling and training with an option to procure up to an additional twenty-one (21) articulated BRT coaches, spare parts, tooling and training over the five year term of the contract. Resolution No. 2020-061 authorized the contract and funding of the initial purchase of seven (7) coaches. During the first year of the five year term of the contract, one change order totaling a credit of \$78,472.03 was approved by the Change Order Committee and authorized by the General Manager, Chief Executive Officer. This approved change order is referenced on the attached Change Order Log.  
  
 This resolution will authorize the funding to manufacture and deliver nine (9) additional five (5) door, 60-ft.articulated BRT coaches at a unit price of \$971,783.80, resulting in a total of \$8,746,054.20, with a scheduled delivery completion date of third quarter 2021. The negotiated price is within the FTA suggested Producer Price Index (PPI) Best Practices Guidelines. The exercise of this contract option will leave twelve (12) coaches remaining under the original contract.  
  
 A cost analysis was performed by the Procurement Department and it has been determined that the price is fair and reasonable to the Authority. Contract option award is contingent upon the successful review of all costs associated with this procurement, compliance with Pre-Award/Buy America Audit requirements and Federal Transit Administration approval of applicable grants.
  
- 4.0 **AFFIRMATIVE ACTION/DBE BACKGROUND:** Per Federal Regulations, the Office of Business Development does not conduct Affirmative Action reviews or establish goals on procurements involving the purchase of Transit Motor Vehicles (TMV's).

- 5.0 POLICY IMPACT: Does not apply.
- 6.0 ECONOMIC IMPACT: This contract option shall be payable from the RTA Development Fund, Fleet Management Department budget, including but not limited to, 100% Local Funds in the amount of \$1,743,918.45, FTA Capital Grant OH-2019-037-307 in the amount of \$1,800,000.00, Capital Grant OH-2020-004-307 in the amount of \$178,125.00, and 100% Local Advance Funds pending FTA grant revisions of OH-2019-037-307 (\$2,298,772.00) and OH-2020-004-307 (\$2,725,238.75) for a total contract option amount not to exceed \$8,746,064.20 (\$5,601,716.60 in federal funds which represents 64% of the total cost).
- 7.0 ALTERNATIVES: Reject this offer. Rejection of this offer would delay the ability of the Authority to purchase replacement commuter coaches.
- 8.0 RECOMMENDATION: This contract option was discussed by the Board of Trustees at the March 23, 2021 Organizational, Services & Performance Monitoring Committee meeting. It is recommended that the negotiated offer of New Flyer of America, Inc., be accepted and the resolution passed authorizing the General Manager, CEO to modify the contract.
- 9.0 ATTACHMENT: Change Order Log.

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

  
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General Manager, Chief Executive Officer

**CHANGE ORDER LOG**

**CONTRACT NO. 2020-046**

**MANUFACTURE AND DELIVERY OF SEVEN (7) FIVE (5) DOOR SIXTY FOOT (60) ARTICULATED BRT COACHES, SPARE PARTS, TOOLING, AND TRAINING, WITH AN OPTION TO PROCURE UP TO TWENTY ONE (21) ADDITIONAL COACHES EXERCISED WITHIN FIVE YEARS OF CONTRACT SIGNATURE**

Contract # **2020-046**

Contractor: **New Flyer of America, INC.**

Original Contract Amount \$ **7,154,341.63**

Total G.M. Authority Remaining \$ **171,527.97**

Total Change Order Amount to Date: \$ (78,472.03)

<i>ITEM NO.</i>	<i>NOTE</i>	<i>APPROVAL DATE</i>	<i>CHANGE ORDER</i>	<i>APPROVAL AUTHORITY</i>	<i>NEW CONTRACT AMOUNT</i>
1		March 15, 2021	\$(78,472.03)	GM	\$7,075,869.60
2			\$8,746,054.20	BOT	\$15,821,923.80

**NOTES/CHANGE ORDER DESCRIPTION:**

Item #1 -Additions and deletions to the final design of the 60' BRT. Some additions include; revised graphic/paint scheme, floor heaters and masked windows. Some deletions include; wheel covers, Luminator destination signs, interior bike rack, and wheel guards.

Item #2 -Authorizes exercise of contract option for nine (9), five (5) door, 60 ft., articulated BRT coaches.