





DEPARTMENT OF TRANSPORTATION

DATE: April 29, 2020

TO: WILMA QUAN, City Manager
Office of the Mayor & City Manager

THROUGH: GREGORY A. BARFIELD, Director 
Department of Transportation

FROM: BRIAN BARR, Assistant Director 
Department of Transportation

SUBJECT: APPROVAL OF AN EMERGENCY RESOLUTION TO SUSPEND
COMPETITIVE BIDDING OF DRIVER PROTECTION SYSTEM AND
AWARD TO GILLIG LLC

Executive Summary

On Friday, March 27, 2020, the President of the United States signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The CARES Act provides emergency assistance and health-care response for individuals, families, and businesses affected by the COVID-19 pandemic and provide emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic.

FAX requires expedient production and installation of a driver protection system on 92 buses as a permanent emergency protective measure to eliminate or lessen threats to public health and safety as a result of COVID-19 to both transit passengers and operators. The use of open competition would create an unacceptable delay and would cause undo harm to the department considering current events.

The FTA circular permits recipients to conduct procurements without providing full and open competition when an emergency exist that will not permit a delay resulting from competitive solicitation for property or services. City of Fresno Charter 1208(a) and Administrative Order 3-2 permits Council to authorize an emergency purchase when it is deemed to be of urgent necessity for the preservation of life, health or property. The COVID-19 pandemic has been declared a federal, state, and local emergency; therefore, it is appropriate and permitted to suspend open competition to expedite the production and installation of a driver protection system. Staff recommends awarding Gillig LLC \$554,753.47 for the production and installation of a driver barrier system on 92 buses.

Background

On Friday, March 27, 2020, the President of the United States signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act into law. The CARES Act provides emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic and provide emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic.

The FTA is allocated \$25 billion to recipients of urbanized area and rural area formula funds. Funding will be provided at a 100 percent federal share, with no local match required, and will be available to support capital, operating, and other expenses generally eligible under those programs to prevent, prepare for, and respond to COVID-19.

FAX requires expedient production and installation of a driver protection system on 92 buses as a permanent emergency protective measure to eliminate or lessen threats to public health and safety as a result of COVID-19 to both transit passengers and operators. The use of open competition would create an unacceptable delay and would cause undo harm to the department.

In accordance with Section 1208(a)(5)(v) of the Charter and City of Fresno Administrative Order 3-2, when it is deemed to be of urgent necessity for the preservation of life, health or property, Council can authorize through emergency resolution, the suspension of competitive bidding for emergency purchases. The federal, state, and local authorities have declared states of emergency due to the COVID-19 outbreak in order to preserve the public health, peace, property, and safety of its citizens. Public transportation is a focal point for a large number of people and poses a unique public safety concern for both transit passengers and operators. A driver barrier system provides another layer of protection to eliminate or lessen the threat to safety.

The FTA circular 4220.1F permits recipients to conduct procurements without providing full and open competition when an emergency exist that will not permit a delay resulting from competitive solicitation for property or services. On March 13, 2020, FTA Acting Administrator K. Jane Williams signed a declaration concurring with the Governor of a state that has declared an emergency and that FTA Emergency Relief programs will apply to those emergencies. The COVID-19 pandemic has been declared a federal, state, and local emergency, thus it is appropriate and permitted to suspend open competition to expedite the production and installation of a driver barrier system in order to eliminate or mitigate public safety threats to transit passengers and operators.

Gillig, LLC, (hereafter referred to as Gillig) is a major manufacturer of heavy-duty buses and bus parts within the United States. Gillig has the specifications and dimensions on

a majority of FAX buses as result of a recent pilot program wherein they successfully installed a barrier on a Bus Rapid Transit (BRT) bus. This places Gillig in a position to lessen the time required to produce and install a driver protection system given its knowledge of the FAX fleet.

Cost Analysis

Gillig has presented the following cost breakdown for 92 driver protection barriers:

- Per Unit Cost for Gillig 40' Bus Barriers: \$4,690.48
- Per Unit Cost for Gillig 29' Bus Barriers: \$9,404.64
- Per Unit Cost for New Flyer 40' Bus Barriers: \$4,623.73
- Per Unit Cost for Install: \$700
- On Site Review: No Charge

Gillig's cost proposal was compared to driver protection systems procured by other transit agencies and a recent purchase by FAX. The breakdowns as follows:

Kansas City Transit Authority (2018 Bid Results)								
Vendors			Ben Tech		Complete Coach		Prevost	
	UOM	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
Barrier 30' Gillig Bus	Each	45	\$2,218	\$99,810	\$6,162	\$277,308	\$4,368	\$196,560
Barrier 40' Gillig Bus	Each	5	\$2,218	\$11,090	\$6,162	\$30,812	\$4,368	\$21,840
Installation	Each	50	\$520	\$26,000	2 lots	\$224,716	\$0	\$0
On Site Review	Sum	1	\$2,600	\$2,600	\$3,929	\$3,929	\$0	\$0

King County Transit (2017 Bid Result)				
Vendors			Arrow Global	
	UOM	Qty	Unit Cost	Total Cost
New Flyer	Each	20	\$3,056	\$61,120
New Flyer 6819- 6999; 6020-6117	Each	281	\$2,743	\$770,783
Orion 7000-7199	Each	200	\$2,743	\$548,600
New Flyer Xcelsior	Each	423	\$2,743	\$1,195,398
New Flyer Diesel Electric	Each	212	\$2,743	\$581,516
Installation	Each	1,136	No Charge	
On Site Review	Sum	1	No Charge	

Fresno Area Express (2020 Bid Results)						
Vendors			Gillig LLC		NABI	
	UOM	Qty	Unit Cost	Total Cost	Unit Cost	Total Cost
Barrier 40' Gillig Bus	Each	18	\$4,836	\$87,054	\$4,614	\$83,065
Installation	Each	18	\$700	\$12,600	\$1,018	\$18,338
On Site Review	Sum	1	No Charge		No Charge	

The pricing given by Gillig is similar to that of previous purchases made by FAX and other transit agencies through a competitive bid process. When looking at FAX's recent purchase of driver barriers, the price difference is a 3 percent decrease in per unit cost for 40' buses. Additionally, Kansas City Transit Authority saw similar pricing in 2018 for a similar number of barriers purchased, with a percentage difference between Gillig's quote being approximately 7.4 percent increase compared to the Prevost bid and approximately 23 percent decrease from the Complete Coach Bid.

King County Transit also purchased bus barriers in 2017 that was approximately 71 percent less than what Gillig has quoted FAX; however, the King County Transit purchased was 10 times larger than this emergency purchase, presumably giving King County Transit a competitive advantage for per unit cost.

The \$9,404.64 unit cost for the 29' Gillig buses is likely due to the uncommon dimensions of this particular model, requiring a greater degree of customization.

Given the above information, the price proposed by Gillig LLC is determined to be fair and reasonable.

Recommendation

FAX is requesting the City Manager's concurrence for an emergency resolution for the procurement of a driver barrier system in order to preserve life, health, and property per Section 1208(a) of the Charter and lessen the delay in production and installation of said product as an appropriate FTA defined unusual and compelling urgency procurement. The funding for this procurement will be provided by the FTA. FAX will then seek Council award of a driver protection system to Gillig in the amount of \$554,753.47.

Approve as to Form:



Kristi Costa, Deputy City Attorney

4/27/2020

Date

Approve Request

Deny Request



Wilma Guan, City Manager

4/30/2020

Date