

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, AUTHORIZING A SOLE SOURCE
REQUIREMENTS CONTRACT WITH H2B2 USA LLC., FOR
THE PURCHASE OF HYDROGEN FUEL WITHOUT
ADVERTISED COMPETITIVE BIDDING

WHEREAS, Fresno Area Express (FAX) has purchased two (2) fuel cell electric buses (FCEB) from New Flyer of America Inc.; and

WHEREAS, FCEB vehicles require hydrogen fuel to operate; and

WHEREAS, FAX released a Request for Information (RFI) seeking market information on hydrogen fueling solutions that address FAX's existing geographic challenges; and

WHEREAS, FAX reviewed publicly available data from the National Fuel Cell Technology Evaluation Center; and

WHEREAS, despite FAX's efforts to locate off-site hydrogen fuel, only one supplier for off-site hydrogen is available in the region, and

WHEREAS, FAX seeks to establish a three-year Sole Source Requirements Contract, with options for two one-year extensions in an amount not to exceed \$3,500,000.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council has received and considered the report and recommendations of City staff.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

BC

Resolution No.

2. The Council finds it is proper for the City to dispense from competitive bidding requirement.

3. The hydrogen fuel is only available by one supplier in the region.

4. The Council appoints and authorizes the Department of Transportation Director, or designee to execute and enter into a Requirements Contract for hydrogen fuel from H2B2 USA LLC., not to exceed \$3,500,000.

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STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.-
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2024.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2024
Mayor Approval/No Return: _____, 2024
Mayor Veto: _____, 2024
Council Override Vote: _____, 2024

TODD STERMER
City Clerk

By: _____

Deputy

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Brandon M. Collet Date
Assistant City Attorney