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Title: Actions Pertaining to the Emergency Procurement of the Driver Protection System (Citywide):
 1. RESOLUTION - Approve an emergency resolution to suspend competitive bidding of driver protection system
 2. Approval of an emergency resolution to suspend competitive bidding of driver protection system due to COVID-19 and award to Gillig LLC in the amount of \$554,753.47

Sponsors: Department of Transportation

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Attachments: 1. Resolution.pdf, 2. Memo Re Emergency Purchase 043020.pdf, 3. Product Purchase Contract.pdf

Date	Ver.	Action By	Action	Result
5/14/2020	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

May 14, 2020

FROM: GREGORY A. BARFIELD, Director
Department of Transportation

BY: BRIAN BARR, Assistant Director
Department of Transportation

ORIE J. RUBALCAVA, Senior Management Analyst
Department of Transportation

SUBJECT

Actions Pertaining to the Emergency Procurement of the Driver Protection System (Citywide):

- RESOLUTION - Approve an emergency resolution to suspend competitive bidding of driver protection system
- Approval of an emergency resolution to suspend competitive bidding of driver protection system due to COVID-19 and award to Gillig LLC in the amount of \$554,753.47

RECOMMENDATION

Staff recommends Council approve an emergency purchase with Gillig LLC, a Livermore, California, based manufacturer, in the amount of \$554,753.47 for a driver protection system on 92 buses for the

Department of Transportation, FAX Division.

EXECUTIVE SUMMARY

The Department of Transportation, FAX Division 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. In order to prevent unnecessary delay, FAX seeks approval of an emergency purchase with Gillig, LLC, (hereafter referred to as Gillig) for the production and installation of a driver protection system on 92 buses in the amount of \$554,753.47 in accordance with Section 1208(a) of the Charter, City of Fresno Administrative Order 3-2, and FTA Circular 4220.1F.

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 Federal Transit Administration (FTA) is allocated \$25 billion to recipients of urbanized area and rural area formula funds. Funding will be provided at a 100% 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, a qualified urbanized area formula recipient, 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 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; therefore, 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 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 in where it 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 their knowledge of FAX's fleet.

The City Attorney has reviewed and approved as to form.

ENVIRONMENTAL FINDING

By the definition provided in the California Environmental Quality Act Guidelines Section 15378 the award of this contract does not qualify as a project.

LOCAL PREFERENCE

Local preference was not implemented because the use of federal funds precludes the use of local preference.

FISCAL IMPACT

There is no fiscal impact to the General Fund from this request. This purchase shall be funded through federal funds available through the CARES Act.

Attachments:

Resolution

Memo Re Emergency Purchase

Product Purchase Contract