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Title: Approve the award of a purchase contract to New Flyer of America Inc. for Two (2) 40' Hydrogen Fuel Cell Electric Buses in the amount of \$2,882,919.01

Sponsors: Department of Transportation

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Attachments: 1. State Cooperative Purchasing Contract, 2. New Flyer Quote

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 5/11/2023 | 1 | City Council | ADOPTED | Pass |

REPORT TO THE CITY COUNCIL

FROM: GREGORY A. BARFIELD, Assistant City Manager & Interim Director, Department of Transportation

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SUBJECT

Approve the award of a purchase contract to New Flyer of America Inc. for Two (2) 40' Hydrogen Fuel Cell Electric Buses in the amount of \$2,882,919.01

RECOMMENDATION

Staff recommends approval of a purchase contract to New Flyer of America Inc. for two (2) 40' hydrogen fuel cell electric buses in the amount of \$2,882,919.01.

EXECUTIVE SUMMARY

The Department of Transportation/Fresno Area Express (FAX) seeks to purchase two (2) 40' hydrogen fuel cell electric buses (FCEBs) from New Flyer of America Inc (New Flyer). This purchase is part of the FAX effort to: replace vehicles that have exceeded their useful life, improve quality and reliability of service, and comply with the California Air Resource Board (CARB) Innovative Clean Transit (ICT) regulation.

The new units will be purchased using a cooperative purchase agreement authorized through a competitively solicited cooperative procurement process administered by the State of California, Department of General Services. This statewide contract is a State Cooperative Purchasing Contract (SCPC) under Section 3019 of the Fixing American's Surface Transportation (FAST) Act and is compliant with Federal Transit Administration (FTA) Guidelines. The SCPC with New Flyer provides Zero-Emission Transit Buses, Options, Spare Parts, and support to multiple participants, including transit organizations from other states. The contract incorporates FTA required clauses and certifications.

BACKGROUND

CARB issued the ICT regulation, effective October 1, 2019, requiring all transit agencies to gradually transition all bus and paratransit vehicles to a 100 percent zero-emission fleet by 2040. To meet this goal, FAX developed its own ICT Transition Plan, which was approved by Council on June 18, 2020. Per the schedule detailed in the ICT Transition Plan, FAX must procure a mix of compressed natural gas (CNG) buses, battery electric buses (BEBs), and hydrogen fuel cell electric buses (FCEBs) to meet our service requirements. The FCEBs purchased from this agreement will be the first in the FAX fleet of an expected 60 plus and over 50 Battery Electric Buses

To begin this procurement, FAX sought competitively bid cooperative agreements for FCEBs at a discounted rate in September of 2022. FAX staff has evaluated New Flyer's proposal and determined the contents of the cooperative purchase meet both City and Federal procurement requirements. Staff also conducted a price analysis, and determined the FCEB cost is found to be fair and reasonable. The cooperative purchase agreement also conforms to the requirements of FTA C 4220.1F, Chapter IV, 2(14)(i), which dictates that rolling stock agreements must not exceed the five-year limit.

The new units will be purchased using a cooperative purchase agreement authorized through a competitively solicited cooperative procurement process administered by the State of California, Department of General Services. The Purchasing Division has approved the cooperative purchase agreement and recommends Council to approve.

It is the recommendation of staff that City Council approve the use of State of California's Cooperative Purchase Agreement 1-19-23-17B to procure two (2) New Flyer 40' FCEBs.

The City Attorney has reviewed and approved as to form.

ENVIRONMENTAL FINDINGS

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378, this vehicle purchase does not constitute a project for the purposes of CEQA.

LOCAL PREFERENCE

Local preference is not applicable as federal funds preclude the use of local preference.

FISCAL IMPACT

There is no fiscal impact to the General Fund from this action. Purchases from this contract shall be

funded primarily through FTA Program 5339(c) funds. FAX enterprise funds will make up the required local match. Appropriations were included and are available in the FAX FY2023 budget.

Attachments:

State Cooperative Purchasing Contract

New Flyer Quote