

PURCHASING VIEW



CITY OF MADISON • FINANCE DEPARTMENT • PURCHASING SERVICES

Non-Competitive Selection Request

Date: 04/29/2021

Requisition Number: 2000035 (8 characters)

Requestor Name: Justin Stuehrenberg

Requestor Phone Number: 608-266-4904

Requestor Email: jstuehrenberg@cityofmadison.com

Fund: 2150 METRO TRANSIT

Agency: 85 METRO TRANSIT

- Major:
- 53*** Supplies/Goods
 - 541** Utilities
 - 542** Building/Facility Maintenance/Repair
 - 543** Software/Equipment Maintenance/Repair
 - 544** Public Works Maintenance/Repair
 - 545** Training/HR-Related Services
 - 546** Consulting/Professional Services
 - 548** Grants/Loans/Insurance/Other Services

Total Purchase Amount: To Be Determined

Vendor Name: New Flyer Industries

Product/Service Description: Articulated sixty foot buses

- \$50,000 and UNDER**
This form will be sent to the Purchasing Supervisor for review.
- OVER \$50,000**
Complete this form and draft a resolution using the sample resolutions provided by the City Attorney to your Budget Analyst. **Your resolution will not be added to the Finance Committee agenda without this form.**

Check the box(es) for the exception criteria you feel are applicable:

1. Public exigency (emergency) will not permit the delay incident to advertising or other competitive processes.
2. The services or goods required are available from only one person or firm (i.e., **true** sole source).
3. The services are for professional services to be provided by attorneys.
4. The services are to be rendered by a university, college, or other educational institution.
5. No acceptable bids have been received after formal advertising.
6. Service fees are established by law or professional code.
7. A particular consultant has provided services to the City on a similar or continuing project in the recent past, and it would be economical to the City on the basis of time and money to retain the same consultant.
8. Otherwise authorized by law, rule, resolution, or regulation. Explain:
- If procurement is being paid with Federal or State grant funds, the vendor was identified by name in the approved Grant Application. (OPTIONAL)

REASON FOR REQUEST**WHY A COMPETITIVE SELECTION PROCESS CANNOT BE USED:**

Provide **detailed** explanation below. For a true sole source, provide all information to explain why this product or service can only be purchased from this vendor. For one-of-a-kind items not sold through distributors, explain the unique performance features of the product requested that are not available from any other product. For services, detail the unique qualifications this vendor possesses, or other reason(s) that meet the criteria selected above. Identify specific, measurable factors and qualifications.

The Madison Bus Rapid Transit (BRT) will require the purchase of approximately forty-three (43) articulated sixty-foot buses with doors on both sides, with an order planned to be placed in 2022 and will be funded by Federal grant sources. The Federal Transit Administration (FTA) has stringent requirements regarding certification of new buses for use of Federal funds and use of American content that would not allow any new vendors to enter the market prior to the award of a bus order for the BRT Project, referred to as Altoona Testing. In addition, the United States government passed the 2019 National Defense Authorization Act (NDAA), which prohibited use of Federal funds to certain Chinese-owned bus manufacturers after December 2021. The City of Madison has conducted a Request for Information to all certified bus vendors in the United States and found that only one vendor, New Flyer Industries, is able to supply sixty-foot buses with doors on both sides which are certified through Altoona Testing and is not currently precluded by the NDAA. Detailed pricing information is available from other procurements around the country where New Flyer Industries has proposed or been selected, enabling a high confidence in competitive pricing in negotiating a sole source procurement. The total dollar amount of this contract will exceed any other sole source procurement in recent City of Madison history, and staff desires to clearly define the Common Council's direction on this procurement.

COMMENTS REGARDING PURCHASES OVER \$50,000

New Flyer of America was selected in a competitive RFP process in 2018 for a five-year contract during which 72 new forty-foot diesel buses would be purchased by the City. The City has thus far spent \$12,757,763 for 27 of those buses in 2019 and 2020. The City has also spent \$339,000 on parts for New Flyer buses since 2016. The parts purchases are considered non-competitively selected because no competitive process was used to select them as a vendor, but each bus manufacturer requires their own proprietary parts, and so when we competitively select the bus manufacturer, we end up having to purchase parts from them as well.

Date: