



Date: 5/14/21

Re: Legistar 65315 – BRT Vehicle Sole Source Authorization

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.

Staff desires to clearly define that the Common Council understands and concurs with the true sole source nature of this, due to the time it will take to negotiate the contract (likely 6 months) and the overall dollar amount exceeding \$50 million. This is not an approval of the resulting contract, which will come back for final approval – only the approval of it being a sole source situation is sought.