



Legislation Details (With Text)

**File #:** 65315      **Version:** 1      **Name:** New Flyer Sole Source Bus Vendor  
**Type:** Resolution      **Status:** Passed  
**File created:** 5/3/2021      **In control:** Metro Transit  
**On agenda:** 7/6/2021      **Final action:** 7/6/2021  
**Enactment date:** 7/12/2021      **Enactment #:** RES-21-00486

**Title:** A Resolution authorizing the negotiation of a noncompetitive contract with New Flyer to purchase Bus Rapid Transit vehicles as a sole source provider.

**Sponsors:** Keith Furman, Grant Foster, Yannette Figueroa Cole

**Indexes:**

**Code sections:**

**Attachments:** 1. New Flyer Industries - Non-Competitive Selection Request - CC Approval Required April 2021.pdf, 2. 65315 - BRT Vehicle Sole Source.pdf, 3. 2107096\_Common Council Registrants Report.pdf, 4. 7-6-21 Written Public Comment 65315.pdf

Date	Ver.	Action By	Action	Result
7/6/2021	1	COMMON COUNCIL	Adopt	Pass
6/14/2021	1	TRANSPORTATION POLICY AND PLANNING BOARD - ended 3/2023	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/24/2021	1	FINANCE COMMITTEE	Return to Lead with the Recommendation for Approval	Pass
5/18/2021	1	TRANSPORTATION POLICY AND PLANNING BOARD - ended 3/2023	Referred	
5/18/2021	1	COMMON COUNCIL	Refer	Pass
5/3/2021	1	Metro Transit	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes the negotiation of a noncompetitive contract to purchase Bus Rapid Transit (BRT) vehicles. The total purchase price is subject to negotiations. A subsequent resolution will be presented to the Common Council to enter into a negotiated agreement. The 2021 Adopted Capital Improvement Plan (CIP) included a total BRT project budget of \$160 million. The 2021 CIP included \$52.9 million for vehicle purchases.

**Title**

A Resolution authorizing the negotiation of a noncompetitive contract with New Flyer to purchase Bus Rapid Transit vehicles as a sole source provider.

**Body**

WHEREAS, 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;

WHEREAS, the BRT project will be funded by Federal grant sources;

WHEREAS, 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;

WHEREAS, 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;

WHEREAS, 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;

WHEREAS, 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;

WHEREAS, 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;

WHEREAS, for the reasons detailed above and in the attached Noncompetitive Selection Request Form, New Flyer is the only vendor that can provide for Metro Transit's Bus Rapid Transit bus needs while following Federal Transit Administration regulations;

NOW THEREFORE BE IT RESOLVED, that the Common Council authorizes staff to enter into sole source negotiations with New Flyer Industries for the purchase of buses on the BRT project;

BE IT FURTHER RESOLVED, that a subsequent Resolution authorizing the City to enter into a negotiated agreement with New Flyer Industries for the BRT buses be presented to the Common Council prior to any agreement.