



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

One Gateway Plaza  
Los Angeles, CA 90012-2952

**39**

**OPERATIONS COMMITTEE  
APRIL 16, 2009**

**SUBJECT: PURCHASE BUSES WITH STIMULUS FUNDING**

**ACTION: ESTABLISH LIFE-OF-PROJECT BUDGETS FOR UP TO 100 NEW BUSES**

**RECOMMENDATION**

- A. Establish a life-of-project budget for the purchase of up to 100 Compressed Natural Gas (CNG) composite buses for the FY10 capital program including project contingency in the amount of \$60,000,000 (see Attachment B Funding Plan).
- B. Authorize the Chief Executive Officer to :
  - 1. Negotiate and execute Contract Option No. 2 to Contract OP33202082 with North American Bus Industries (NABI), to purchase up to 100 CNG high capacity composite buses for the price not to exceed \$58,684,859, increasing the Total Contract Value from \$198,693,126 to \$257,377,985 inclusive of sales tax and subject to both stimulus funding availability and completion of a Buy America Pre-Award audit.
  - 2. Authorize staff to negotiate and execute modifications for this procurement in an amount not to exceed \$581,814, increasing the Total Contract Value from \$257,377,985 to \$257,959,799.

**RATIONALE**

This action establishes the budget authority necessary to proceed with the purchase of buses under the American Recovery and Reinvestment Act (ARRA) of 2009. As required in our financial policies, this project exceeds \$5 million, and this action is necessary to program funds required for this procurement. Funding for these new projects will be provided by a special federal grant from the US Department of Transportation.

Contract OP33202082 is a fixed-unit rate contract for the purchase of 260 CNG high capacity transit buses that was awarded on April 24, 2008. There are 699 remaining option buses available under this contract. We are in the process of receiving the first of these 260 Compo-buses, and all of these buses will be used to replace local service buses that operate throughout Los Angeles County. In 2004, we put 100 NABI 45' Compo-buses in service. To

date, the compo-buses have proven to be both durable and economical. Not only is the vehicle structure stronger than a conventional steel frame vehicle, but the buses have 15-20% more capacity for carrying passengers than standard 40' buses.

At the February 26, 2009 Board Meeting, priorities and policies were established for distributing stimulus funding, and the allocation of funding to these projects will follow the Board's adopted priorities and policies. The 100 buses were adopted as a "Tier 1" project as part of this Board action and this project is expected to receive funding in the first allocation of stimulus funds. The ARRA "Stimulus" funding has requirements dictating that contracts be executed very quickly; these actions ensure that the contract amendment can be executed within applicable deadlines.

### **IMPACTS TO OTHER CONTRACTS**

Staff will exercise contract options to contracts OP33202167 and OP33202168 with Vehicle Technical Consultants, Inc. to cover bus inspection services at NABI's production facilities in Kaposvar, Hungary and Anniston, Alabama. The total amount of these contract options is projected to be \$175,006 for the initial 100 buses.

### **FINANCIAL IMPACT**

Funding for the buses will be included in the FY11 and FY12 capital program budget under project number 201052 (FY11 Bus Buy), cost center #3320, Vehicle Technology. The identified funding is FTA Section 5307. The identified funding is through the American Recovery and Reinvestment Act (ARRA), subject to final award by the Federal Transit Administration. The execution of the contract is contingent upon funding availability. The funding plan is provided as a management guide, however, the Chief Executive Officer retains the authority to substitute funding and modify the cash flow as required to meet project needs.

### **ALTERNATIVES CONSIDERED**

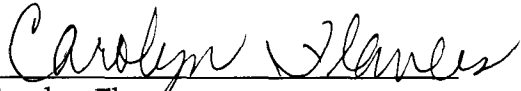
Staff considered not purchasing any buses. This is not recommended because deferring this procurement will necessitate extending the life of our oldest vehicles, and it will make it difficult to meet service commitments made under the New Service Plan.

Staff considered initiating a new procurement for a different vehicle type. This is not recommended as the 45' Compo-bus offers operating and maintenance efficiencies over conventional 40' buses, and these buses will provide additional capacity that supports anticipated ridership levels.

### **ATTACHMENTS**

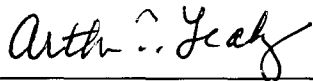
- A. Procurement Summary
- A-1 Procurement History
- A-2 List of Subcontractors
- B. Life of Project Budget for Articulated Buses

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Carolyn Flowers  
Chief Operations Officer



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Arthur T. Leahy  
Chief Executive Officer

**BOARD REPORT ATTACHMENT A  
PROCUREMENT SUMMARY**

**PURCHASE BUSES WITH STIMULUS FUNDING**

1.	Contract Number: OP33202082		
2.	Recommended Vendor: North American Bus Industries		
3.	Cost/Price Analysis Information:		
	A. Bid/Proposed Price: NA	Recommended Price: Not to Exceed \$60,000,000 (Including sales tax)	
	B. Details of Significant Variances are in Attachment: NA		
4.	Contract Type: Fixed Unit Rate		
5.	Procurement Dates:		
	A. Issued: NA		
	B. Advertised: NA		
	C. Pre-proposal Conference: NA		
	D. Proposals Due: NA		
	E. Pre-Qualification Completed: NA		
	F. Conflict of Interest Form Submitted to Ethics: February 23, 2008		
6.	Small Business Participation:		
	A. Bid/Proposal Goal: 0%	Date Small Business Evaluation Completed: Not applicable	
7.	Invitation for Bid/Request for Proposal Data:		
	Notifications Sent: NA	Bids/Proposals Picked up: NA	Bids/Proposals Received: NA
8.	Evaluation Information:		
	A. Bidders/Proposers Names: NA	<u>Bid/Proposal Amount:</u> NA	<u>Best and Final Offer Amount:</u> NA
	B. Evaluation Methodology: Describe Methodology Details that are in Attachment A-1		
9.	Protest Information:		
	A. Protest Period End Date: NA		
	B. Protest Receipt Date: NA		
	C. Disposition of Protest Date: NA		
10.	Contract Administration Mgr: Margaret E. Merhoff	Telephone Number: 922-1073	
11.	Project Manager: Mike Bottone	Telephone Number: 922-5911	

## **BOARD REPORT ATTACHMENT A-1 PROCUREMENT HISTORY**

### **PURCHASE BUSES WITH STIMULUS FUNDING**

#### **A. Background on Contractor**

North American Bus Industries (NABI) was established in 1992. It has manufacturing facilities in Budapest and Kaposvar, Hungary; and Anniston, Alabama. NABI currently produces approximately 700 buses per year, and has the production capacity to produce approximately 1000 buses per year. Its production capabilities include 30 – 60-foot steel-frame buses, and 30 – 45 foot composite buses.

NABI has previously delivered 875 40-foot CNG buses for Metro. The firm also produced 100 composite structure 45-foot CNG buses and 391 sixty-foot articulated CNG buses for Metro. They are now producing 260 additional 45-foot composite structure CNG buses for Metro. Bus quality and reliability have been very good. In addition, the company has produced buses for many other major transit agencies. NABI has a local support-services facility in Ontario, CA. In early 2006, NABI was acquired by Cerberus Capital Management, L.P., a U.S.-based private equity fund. Subsequently, NABI purchased Optima Bus Corporation and Cerberus most recently purchased Blue Bird Corporation, another transit bus manufacturer. The company is well capitalized and there is a low financial or performance risk with this company.

#### **B. Procurement Background**

On November 9, 2007, IFB No. OP33202082 was issued and advertised. Two proposals were received. As a result of the technical and price evaluation, the resulting contract was awarded to NABI. The contract contains options for up to 740 additional CNG vehicles. The options are valid until June 2, 2013. To be able to exercise the option without it being considered a sole source, Metro must consider option pricing when an award is made. In this case, the pricing for option buses is based on the increase or decrease in the Producer Price Index for Bus and Truck Bodies (PPI) that occurred since the contract award. The use of the PPI complies with the option pricing requirement as all submitted pricing would be treated in the same manner.

As required by our Procurement Policy, staff must also determine that the option pricing is reasonable. It was determined that no additional orders have been placed for similar 45-foot CNG buses since the award of this contract. The original pricing of \$597,475 per vehicle was determined to be reasonable based on a price analysis. During the seven month period since the contract award, the PPI has increased 2.16% or \$12,934 per bus. Based on the PPI increase, the base price for each option bus will total \$610,409

not including approved modifications, delivery and sales tax which appears to be reasonable.

The Diversity & Economic Opportunity Department did not recommend a Disadvantaged Business Enterprise (DBE) participation goal for this bus procurement. The Federal Transit Administration (FTA) requires that each Transit Vehicle Manufacturer (TVM) submit for approval an annual percentage overall goal. The TVM goal is based on the amount of federal funding to be received by the TVM for transit vehicle contracts during the fiscal year. In compliance with 49 CFR Part 26.49, TVMs report directly to FTA. Therefore, compliance with the DBE requirements is monitored at the federal level.

**C. Evaluation of Proposals**

Not applicable.

**D. Cost/Price Analysis Explanation of Variances**

The recommended increase of not to exceed \$610,409 per vehicle has been determined to be fair and reasonable based upon price analysis from the original procurement.

**BOARD REPORT ATTACHMENT A-2  
LIST OF SUBCONTRACTORS**

**PURCHASE BUSES WITH STIMULUS FUNDING**

**PRIME CONTRACTOR:** NORTH AMERICAN BUS INDUSTRIES

Small Business Commitment

Other Subcontractors

NA

FAB Industries

Total Commitment      0%

**ATTACHMENT B**  
**FUNDING PLAN FOR CONGESTIONS MITIGATION PROJECT BUSES**

**Bus Purchase CP 201052 (FY11), CP 201053 (FY12)**

Uses of funds (\$millions)	FY10	FY11	FY12	Total
Acquisition		\$58,684,859		\$58,684,859
Pro Services		175,006		175,006
Labor		412,483		412,483
Travel		145,838		145,838
Spare Parts				
Contingency		581,814		581,814
<b>Total</b>		<b>\$60,000,000</b>		<b>\$60,000,000</b>

**Bus Purchase CP 201052 (FY11), CP 201053 (FY12)**

Sources of funds (\$millions)	FY10	FY11	FY12	Total
CMAQ				
Clean Fuel 5309				
PC 40%				
TDA4				
FTA Grant (ARRA)		\$60,000,000		\$60,000,000
<b>Total</b>		<b>\$60,000,000</b>		<b>\$60,000,000</b>