

**ADVANCED TRANSIT VEHICLE CONSORTIUM**

Los Angeles County Metropolitan Transportation Authority  
470 Bauchet Street, MS 30-2-1  
Los Angeles, CA 90012

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*Los Angeles Metro*

December 4, 2014

**TO: BOARD OF DIRECTORS**  
**FROM: RICHARD HUNT, PRESIDENT**  
**SUBJECT: AUTHORIZE ASSIGNMENT OF UP TO FIVE ZERO EMISSION BUSES**

**RECOMMENDATION:**

- A. Authorize the ATVC President to negotiate and execute an Assignment Agreement(s) with regional municipal operators for up to five (5) battery electric buses procured under contract OP33202790 with BYD Motors, Inc. (BYD).
- B. Ratify the Assignment Agreement with Antelope Valley Transit Authority (AVTA) for two (2) battery electric buses.

**ISSUE:**

ATVC's original solicitation for Zero Emission Buses included contracting authority for a total of 30 buses. In June 2013, the ATVC Board of Directors approved a contract with BYD Motors, Inc. for the manufacture and delivery of up to twenty-five Zero Emission Buses for a not-to-exceed total contract value of \$20,739,250, including tax and delivery.

Staff also determined that remaining ZEB project funds should be reserved from this project for the conversion of ATVC/Metro's six (6) gasoline electric hybrid buses, resulting in funding allocation that supports the purchase of 25 BYD buses in total. ATVC staff determined that Metro would not utilize the last remaining five buses solicited in this procurement. Therefore, in a continuing effort to partner with regional municipal operators, and to help them to reduce their fleet emissions, ATVC would agree to assign up to five of the BYD buses that had been procured under contract OP33202790 to regional municipal operators.

## **BACKGROUND**

In November 2013, ATVC staff intended to obtain ATVC Board Approval to negotiate and execute assignment agreements. The ATVC Board meeting was cancelled. An assignment agreement was executed with ATVC and AVTA for two buses in December 2013.

Although, the assignment agreement was executed, approval by the ATVC Board for the action was not obtained. Therefore, it is necessary to ratify the assignment with AVTA. AVTA purchased two of the assigned buses in accordance with the terms and conditions delineated in Contract No. OP33202790.

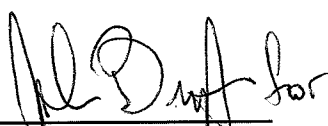
In August 2014, another regional municipal operator, Gardena Bus Lines, requested the assignment of one BYD bus from this contract. It is also anticipated that more regional municipal operators may request assignment of the remaining vehicles not being planned for use in Metro's ZEB program.

ATVC staff is asking for authorization to assign the additional buses to other regional municipal operator(s). If ATVC assigns the additional buses that were evaluated during the solicitation phase of the procurement process to other regional municipal transit operators, those operators would be granted the right to purchase the "Assigned" buses from BYD in accordance with the terms and conditions delineated in Contract No. OP33202790.

Given the rapid evolution of electric battery vehicle technologies, if it is determined that additional electric buses are needed in the future, ATVC/Metro could consider issuing a new RFP for additional electric battery buses.

## **FINANCIAL IMPACT - None**

Prepared by: John Drayton, Executive Vice President



Richard Hunt  
President, Advanced Transit Vehicle Consortium

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Arthur T. Leahy, Metro CEO  
Lindy K. Lee, Metro Deputy CEO  
William L. Foster, Metro COO (Interim)