

RESOLUTION NO. RES-2022-184

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AMENDMENT NO. 2 TO CONTRACT NO. PA-2021-001-SRCB WITH PROTERRA OPERATING COMPANY, INC. IN THE AMOUNT OF \$1,551,292 FOR THE PURCHASE OF BUS BATTERIES AND AN EXTENDED WARRANTY

WHEREAS, on October 4, 2021, by Resolution No. RES-2020-201, the City of Santa Rosa entered into a contract with Proterra Inc. to purchase four 40-foot Battery Electric transit buses in an amount not to exceed \$3,513,708; and

WHEREAS, on July 22, 2021, Proterra Inc filed an Amended Statement by Foreign Corporation to change their corporate name to Proterra Operating Company, Inc. (Proterra) with the California Secretary of State; and

WHEREAS, on August 31, 2021, by Resolution No. RES-2021-150, the City Council approved staff to negotiate a separate bus battery lease option based on the Transit Division's recommendation; and

WHEREAS, on April 26, 2022 the City approved the first amendment to the contract to correct a pricing error and modify some options in the existing contract; and

WHEREAS, the four buses are currently in production at Proterra's facility in City of Industry, California, with an estimated delivery of September 2022; and

WHEREAS, funding limitations present when initially selecting the battery lease option are no longer a primary consideration for the method to obtain the batteries; and

WHEREAS, the Transit Division no longer desires to lease the batteries for the buses being purchased, but rather, desires to purchase the batteries for the four buses up front along with an extended warranty to provide for additional certainty of an adequate state of charge of the batteries during the lifetime of the buses; and

WHEREAS, funds for this expenditure are available from the Transit Division's capital grant awards from the Federal Transit Administration and state Transportation Development Act Article IV funds, with no impact to the General Fund.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves Amendment No. 2 to Contract No. PA-2021-001-SRCB, with Proterra Operating Company, Inc., in substantially the same form as Exhibit A to the resolution, subject to approval as to form by the City Attorney, increasing compensation by \$1,551,292 for a total amount not to exceed \$5,065,000.

BE IT FURTHER RESOLVED that the Council authorizes the Purchasing Agent to issue an amendment to Purchase Order 166357 to include the purchase of the high voltage battery packs.

BE IT FURTHER RESOLVED that Council authorizes the Director of Transportation and Public Works or designee to execute all documents necessary to effect the purchase, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 23rd day of August, 2022.

AYES: (6) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (1) Council Member MacDonald

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Second Amendment to Contract No. PA-2021-001-SRCB