

RESOLUTION NO. RES-2021-043

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF UP TO SEVEN ELECTRIC BUSES AND FIVE CHARGERS WITH INSTALLATION FROM PROTERRA, INC. UP TO AN AMOUNT NOT TO EXCEED \$9,468,437

WHEREAS, the City of Santa Rosa is an eligible applicant for grant funding under Section 5339(c) of Title 49, United States Code, as amended under the Fixing America's Surface Transportation Act of 2015 (FAST ACT) for the Federal Transit Administration (FTA) Low or No Emission Bus Discretionary Program (Low-No Program); and

WHEREAS, the Low-No Program provides funding for the purchase or lease of zero-emission and low-emission transit buses; including acquisition, construction, and leasing of required supporting facilities such as charging stations; and

WHEREAS, the FAST ACT authorizes the FTA to award grants for low or no emission buses through a competitive process; and

WHEREAS, the Low-No Program allows applications to be submitted in partnership with other entities, including a transit vehicle manufacturer, and if said project is awarded with such partnership, the competitive selection process of the grant shall be satisfied under section 5325(a) of title 49 U.S.C. for the named entity; and

WHEREAS, Federal transit law authorized \$180 million in Fiscal Year 2021 for grants under the Low-No Program; and

WHEREAS, the Council of the City of Santa Rosa recognizes that the Low-No Program grant will cover 85% of the costs to purchase electric buses and 90% to purchase the bus charging equipment, and if awarded, the City will provide the remaining minimum 10-15% in matching funds; and

WHEREAS, City staff recommend partnering with Proterra, Inc. (Proterra), the manufacturer of the City's first 4 battery electric buses, on the City's Lo-No Program grant application; and

WHEREAS, partnering with Proterra would provide for a more streamlined project, reducing the project timeline by having the competitive procurement be satisfied through the application itself, and such a partnership has the potential to increase the chances for the City's success in securing grant funds; and

WHEREAS, Section 3-08.100(D) of the City Code provides that purchases of supplies, material, equipment and services may be made without recourse to competitive bidding requirements where the source of supply, necessary restrictions in specifications, necessary standardization, quality considerations, or other valid reasons for waiving competition appears; and

WHEREAS, Council is the award authority for a purchase with a not-to-exceed amount up to \$9,468,437 and must approve the waiver of competitive bidding.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa competitive bidding pursuant to Section 3-08.100(d) of the City Code for the purchase of up to 7 electric buses and 5 chargers with installation from Proterra Inc. using any grant funding awarded and local match up to an amount not to exceed \$9,468,437.

BE IT FURTHER RESOLVED that the Council believes there are valid reasons for waiving competitive bidding and such a waiver is in the best interests of the City for the reasons set forth in this Resolution.

IN COUNCIL DULY PASSED this 16th day of March, 2021.

AYES: (7) Mayor C. Rogers, Vice Mayor N. Rogers, Council Members Alvarez, Fleming, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney