



California Association for Coordinated Transportation (CalACT) Vehicle Purchasing Cooperative (Morongo Basin Transit Authority-Lead Agency)

“The Cooperative”

The Morongo Basin Transit Authority (MBTA) a member of the California Association for Coordinated Transportation (CalACT) takes the lead agency role in the formation of the CalACT/MBTA Vehicle Purchasing Cooperative.

MBTA staff, consultants and counsel will independently develop bid requirements, product specifications and award contracts on behalf of the Cooperative. After awards, CalACT will take on the task of assignation of vehicles, collection of fees, and general administration of the contract.

How does the Cooperative work? The form of procurement to be employed by the Cooperative is the development of a **Local Government Purchasing Schedule** as defined in the Federal Transit Administration's (FTA) Circular 4220.1F Chapter V, Part 4. Wherein the FTA extends to local governments the authority to make arrangements with multiple vendors to provide options for goods or service in the future at established prices to the local government or others that the local government chooses to share these arrangements with. This form of procurement is sometimes known as a “**menu-style bid.**” The bid will enable transit agencies to select vehicles from a menu of choices from different vendors and manufacturers that best suit their requirements without having to go out to bid.

Can I buy a product from the menu that is not the lowest price? Yes! In accordance with 49 U.S.C. 5325 (c) FTA recipients may award contracts to parties other than a low bidder in order to further objectives such as long term efficiency and lower costs and in 49 U.S.C. 5325 (f) (1b) authorizes recipients to base awards for rolling stock on factors such as performance, standardization, life cycle costs or other factors or on a competitive process for selection of award such as this solicitation's (49 U.S.C. 5325 (f) (2)).

Further, the California legislature in Public Contract Code 20217 (a) finds and declares that it is in the public interest for **transit agencies** to “consider the broadest possible range of competing products and materials available, fitness of purpose, manufacturer's warranty, vendor financing, performance reliability, standardization, life cycle costs, delivery timetables, support logistics, and other similar factors in addition to price in the award of these contracts.”

The above, as well as precedents set by practices in other states provide a preponderance of clear and compelling justifications for the Cooperative to create and maintain a bid schedule with multiple awards for products and for its assignees to purchase from the schedule considering factors other than lowest price.

How are the products on the Schedule Awarded? The method of selection for this procurement is by Negotiated Procurement, a competitive price-based procurement process based on accepting vehicles that meet the bid specifications and whose price falls within a competitive range established by the Cooperative which is pre-determined, but undisclosed until after awards are made.

What Can I buy? Initially, The Cooperative will seek bids for CalACT Class A (E350/GM3500 cutaways), Class B and C (E450/GM4500 Cutaways), Altoona tested CNG and hybrid cutaways and Class D (low-floor minivan) vehicles. Solicitations for additional vehicle types including larger buses will be considered in the future as workloads permit.

When can I order my buses? The Cooperative has completed the work of developing bid documents and vehicle specifications. These will be submitted to CALTRANS, Division of Mass Transportation for pre-bid review by the first week of November. The Cooperative is confident these documents contain all federally required certifications and assurances, is a valid form of procurement and expects a positive response from the Department. The Cooperative hopes to be able to go out to bid by the middle to end of November and issue conditional awards by the end of the year.

Who developed this bid? MBTA staff developed the bid documents, product specifications and vendor procedures. Significant assistance on specifications and evaluating vehicle types was provided by an advisory panel consisting of Maintenance Managers and Procurement officers from neighboring agencies including Barstow Area Transit, Mountain Area Regional Transit, Omnitrans and the Victor Valley Transit Authority. Consultants Dan Mundy, Halsey King and Edward Pigman of the Transit Resource Center have also been engaged to assist the Cooperative in its efforts. Legal review was conducted by the Law Offices of Rutan and Tucker, MBTA General Counsel.

Will my Agency be charged? No, not directly. A reasonable procurement fee to cover the costs of contract development and maintenance is charged to the vendors. Your agency will not receive any billing for this service.

What else do I need to know? Users of this bid are responsible for selection and inspection of the vehicles as well as enforcement of the contract provisions. The Cooperative can refer you to firms that can assist with these but will not make recommendations. If you don't have a strong maintenance staff and your knowledge of vehicle specifications is limited, this bid may not be for you.

Why should I use this Bid? This procurement intends to serve as convenient, federally compliant solution for transit agencies to be able to select, not settle for, the vehicles or vendors that best meet their needs. The Cooperative hopes that the power of choice afforded to the agencies will incentivize the vendors to offer us better vehicles and provide better service. The Cooperative's efforts will inject a much needed dose of capitalism and competitiveness in the market for one of the most important things we buy-buses.

Who is eligible to use this Bid? Assignment of vehicles is a benefit afforded to members of CalACT. If you are not a member and are interested, please contact Jacklyn Montgomery at 916.920.8018.

More Questions or Comments? Please contact Joe Meer, MBTA General Manager, at 760.366.2986 ext. 101 or joe@mftabus.com