

1 EXHIBIT 1

2 RESOLUTION NO. 2022-

3  
4 A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF  
5 THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING  
6 AGREEMENT WITH BYD MOTORS LLC FOR THE PURCHASE  
7 OF AN ELECTRIC BUS FLEET AND RELATED CHARGING  
8 EQUIPMENT FOR A TOTAL AMOUNT NOT TO EXCEED FIVE  
9 MILLION NINE HUNDRED SEVENTY-TWO THOUSAND, SEVEN  
10 HUNDRED NINETY-SEVEN DOLLARS AND SEVENTEEN CENTS  
11 (\$5,972,797.17); PROVIDING FOR CONFLICTS; AND PROVIDING  
12 AN EFFECTIVE DATE.  
13

14  
15 WHEREAS, on March 17, 2021, the City Commission adopted Resolution  
16 No. 2021-025 approving the utilization of the State of Georgia contract awarded  
17 through RFP 99999-001-SPD0000152 with BYD Motors LLC previously known as  
18 BYD Motors Inc. for a total amount not to exceed Five Million dollars (\$5,000,000)  
19 for the purchase of nine (9) electric buses and related equipment, in conjunction  
20 with receipt of a Two Million Five Hundred Thousand (\$2,500,000) matching grant  
21 commitment from the FDOT; and  
22

23 WHEREAS, in November 2021, the State of Georgia added a DC battery  
24 charging solution, namely Heliox Flex 180 kW Depot Vehicle Charger (CCS1), to  
25 Contract No. 99999-001-SPD0000138-0008 and on February 16, 2022, the City  
26 Commission approved the purchase of the nine (9) BYD K7M electric buses as  
27 well as the new Heliox charging equipment through the State of Georgia Contract  
28 No. 99999-001-SPD0000138-0008 through Resolution No. 22-017 for an  
29 increased amount not to exceed Five Million, Eighty-Two Thousand, Eight  
30 Hundred and Thirty-Seven Dollars (\$5,082,837); and  
31

32 WHEREAS, in April of 2022, the City learned that the State of Georgia and  
33 BYD had entered into Amendment No. 2, which permitted an increase in price by  
34 1.26%, and received additional requests for other price increases by BYD set forth

35 by Staff on the Cover Memo not expressly covered by the amendment or the  
36 source agreement; and

37  
38 **WHEREAS**, staff has previously compared other electric bus options in the  
39 market, but found that BYD is the only manufacturer of the size of electric bus  
40 needed to accommodate the city street widths; and

41  
42 **WHEREAS**, this project is being substantially funded by grant funds which  
43 are time limited and the grantor has approved additional funds to cover the price  
44 increase; and

45  
46 **WHEREAS**, the terms relating to the purchase are materially different from  
47 the source contract terms, negating a “piggyback” based procurement mechanism,  
48 but the purchase is a sole source and a unique circumstance in the best interest  
49 of the City; and

50  
51 **WHEREAS**, staff recommends authorization of an agreement to purchase  
52 electric buses and related equipment from BYD at a cost not to exceed Five Million  
53 Nine Hundred Seventy-Two Thousand, Seven Hundred Ninety-Seven Dollars, and  
54 Seventeen Cents (\$5,972,797.17) as a sole source purchase and based upon the  
55 unique circumstances exception to the competitive bidding requirements in Sec.  
56 23-8(5) of the Hallandale Beach Code of Ordinances.

57  
58 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE**  
59 **CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

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61 **SECTION 1.** The foregoing “Whereas” clauses are incorporated herein.

62  
63 **SECTION 2.** The Mayor and City Commission hereby find that the  
64 authorization of an agreement to purchase electric buses and related equipment  
65 from BYD at a cost not to exceed Five Million Nine Hundred Seventy-Two

Thousand, Seven Hundred Ninety-Seven Dollars, and Seventeen Cents (\$5,972,797.17) is a sole source purchase and is based upon the unique circumstances exception to the competitive bidding requirements in Sec. 23-8(5) of the Hallandale Beach Code of Ordinances due to the limited availability of manufacturers and the grant funded and time-limited nature of the purchase.

**SECTION 3.** The Mayor and City Commission hereby authorize an agreement to purchase nine (9) BYD K7M 30' Heavy Duty Low Floor Transit buses with DC charging universal connector and three (3) BYD/Heliox Flex 180 kW Depot Vehicle Charger, each charger including three (3) charging dispensers for a total of nine (9) dispensers for a total amount Not to Exceed Five Million Nine Hundred Seventy-Two Thousand, Seven Hundred Ninety-Seven Dollars, and Seventeen Cents (\$5,972,797.17), and authorize the City Manager to execute any and all related documents.

**SECTION 4.** Any prior resolutions conflicting with the instant resolution are hereby repealed to the extent of the conflict.

**SECTION 5.** This Resolution shall take effect immediately upon its passage and adoption.

APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
JENORGEN GUILLEN, CITY CLERK

99 APPROVED AS TO LEGAL SUFFICIENCY  
100 AND FORM

101

102

103

104

105 JENNIFER MERINO

106 CITY ATTORNEY