

RESOLUTION NO. 2022 - 065

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3 **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF**  
4 **THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING**  
5 **AGREEMENT WITH BYD MOTORS LLC FOR THE PURCHASE**  
6 **OF AN ELECTRIC BUS FLEET AND RELATED CHARGING**  
7 **EQUIPMENT FOR A TOTAL AMOUNT NOT TO EXCEED FIVE**  
8 **MILLION NINE HUNDRED SEVENTY-TWO THOUSAND, SEVEN**  
9 **HUNDRED NINETY-SEVEN DOLLARS AND SEVENTEEN CENTS**  
10 **(\$5,972,797.17); PROVIDING FOR CONFLICTS; AND PROVIDING**  
11 **AN EFFECTIVE DATE.**  
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14 **WHEREAS**, on March 17, 2021, the City Commission adopted Resolution  
15 No. 2021-025 approving the utilization of the State of Georgia contract awarded  
16 through RFP 99999-001-SPD0000152 with BYD Motors LLC previously known as  
17 BYD Motors Inc. for a total amount not to exceed Five Million dollars (\$5,000,000)  
18 for the purchase of nine (9) electric buses and related equipment, in conjunction  
19 with receipt of a Two Million Five Hundred Thousand (\$2,500,000) matching grant  
20 commitment from the FDOT; and  
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22 **WHEREAS**, in November 2021, the State of Georgia added a DC battery  
23 charging solution, namely Heliox Flex 180 kW Depot Vehicle Charger (CCS1), to  
24 Contract No. 99999-001-SPD0000138-0008 and on February 16, 2022, the City  
25 Commission approved the purchase of the nine (9) BYD K7M electric buses as  
26 well as the new Heliox charging equipment through the State of Georgia Contract  
27 No. 99999-001-SPD0000138-0008 through Resolution No. 22-017 for an  
28 increased amount not to exceed Five Million, Eighty-Two Thousand, Eight  
29 Hundred and Thirty-Seven Dollars (\$5,082,837); and  
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31 **WHEREAS**, in April of 2022, the City learned that the State of Georgia and  
32 BYD had entered into Amendment No. 2, which permitted an increase in price by  
33 1.26%, and received additional requests for other price increases by BYD set forth  
34 by Staff on the Cover Memo not expressly covered by the amendment or the  
35 source agreement; and

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

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

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

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

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

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

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62           **SECTION 2.** The Mayor and City Commission hereby find that the  
63 authorization of an agreement to purchase electric buses and related equipment  
64 from BYD at a cost not to exceed Five Million Nine Hundred Seventy-Two  
65 Thousand, Seven Hundred Ninety-Seven Dollars, and Seventeen Cents  
66 (\$5,972,797.17) is a sole source purchase and is based upon the unique

67 circumstances exception to the competitive bidding requirements in Sec. 23-8(5)  
68 of the Hallandale Beach Code of Ordinances due to the limited availability of  
69 manufacturers and the grant funded and time-limited nature of the purchase.

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

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

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

85 APPROVED AND ADOPTED this 15<sup>th</sup> day of June, 2022.

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SPONSORED BY: CITY ADMINISTRATION

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ATTEST:

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JENORGEN GUILLEN, CMC  
CITY CLERK

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APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

  
JOY F. COOPER  
MAYOR

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JENNIFER MERINO  
CITY ATTORNEY

**FINAL VOTE ON ADOPTION**

Mayor Cooper	<u>Yes</u>
Vice Mayor Butler	<u>Yes</u>
Commissioner Javellana	<u>Yes</u>
Commissioner Lazarow	<u>Yes</u>
Commissioner Lima-Taub	<u>Yes</u>

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