

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

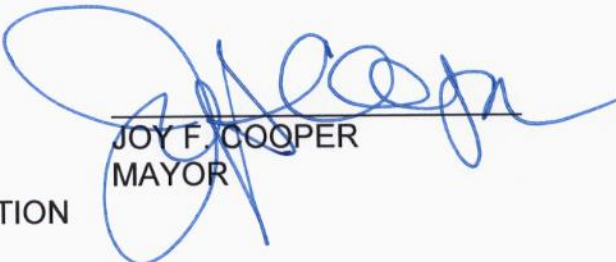
67 circumstances exception to the competitive bidding requirements in Sec. 23-8(5)
68 of the Hallandale Beach Code of Ordinances due to the limited availability of
69 manufacturers and the grant funded and time-limited nature of the purchase.
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71 **SECTION 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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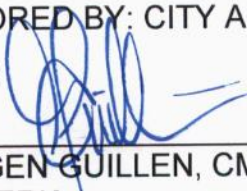
83 **SECTION 5.** This Resolution shall take effect immediately upon its
84 passage and adoption.

85 APPROVED AND ADOPTED this 15th day of June, 2022.

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JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:


JENORGEN GUILLEN, CMC
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY
AND FORM

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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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