

DATE: May 15, 2025

TO: Committee Chair Alan D. Wapner and Members of the Administrative and Finance Committee

THROUGH: Erin Rogers, CEO/General Manager

FROM: Connie Raya, Director of Maintenance

SUBJECT: **Contract MNT25-25, Portable Fueling Equipment**

Form Motion

Recommend the Board of Directors authorize the CEO/General Manager to execute Contract MNT25-25 to NFI Group (New Flyer), of Winnipeg, Canada, for the provision of a portable fueling station to fuel the four (4) Fuel Cell Electric Buses in the amount of \$2,868,690 with a contingency of \$286,869 for a total amount of \$3,155,559.

Strategic Plan Alignment

This item aligns with Goal 5 – Long-Range Planning – *Strengthen our leadership in creating mobility solutions in local and regional planning.*

Initiative e) Advance long-term implementation of zero-emission vehicles and related infrastructure

Background

On July 3, 2024, the Board authorized an amendment to Purchase Order MNT23-25 issued to New Flyer for four (4) Fuel Cell Electric Buses. The amendment included the addition of a Hyspenser hydrogen fueling station for a total not to exceed amount of \$3,010,411.

Following a detailed review by the Procurement Department, in coordination with the LeFlore Group and discussions with New Flyer, it was determined that the existing Purchase Order (PO) could not be used for the fuel station. The terms and conditions of the PO did not meet the Federal Transit Administration (FTA) funding requirements, nor did they satisfy the federal or state design-build regulations.

To address these deficiencies, a new standalone contract separate from the PO has been developed. This contract incorporates necessary federal, state, and local requirements governing construction projects and funding.

Contract additions include:

- FTA-required general and special guidelines
- Compliance with prevailing wage requirements
- Performance Bond
- Additional insurance requirements

The increase of \$145,148 accounts for increased engineering costs, payment performance bond, and taxes.

In 2022, Omnitrans applied for and received \$9,342,346 from FTA through the Section 5339(c) Low or No Emission Vehicle (Low-No) Program, for the purchase of four fuel cell electric buses (FCEBs), a transportable hydrogen refueling station for the East Valley Maintenance facility, and workforce development and training activities including a new zero-emission vehicle maintenance apprenticeship program. Also in 2022, Omnitrans applied for and received a \$1.125 million grant from CalSTART through the state EnergIZE grant program toward the cost of the hydrogen refueling station equipment.

The Low-No grant program guidance allowed recipients to designate a vendor partner in the grant application rather than conducting a competitive procurement for vehicles and equipment being purchased under the program. Omnitrans designated New Flyer of America as the bus manufacturer, and Nice America as the hydrogen fueling partner in Low-No and EnergIZE grants.

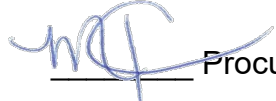
Omnitrans was aware of the successful demonstration of the Nice America product at another local transit agency. However, in March 2022, Nice America reached out to Omnitrans and said they were bought out by another company and had the intellectual property rights withdrawn by the Chinese government.

Omnitrans then designated Linde in the grant applications as the new partner to provide the portable fueling station. However, Linde and Omnitrans were not able to agree on fundamental contract terms, and as a result, Omnitrans terminated its partnership with Linde in November 2022.

In March 2024, Omnitrans reached out to New Flyer Infrastructure group who proposed a portable hydrogen station, Hyspenser with hydrogen fuel from Air Gas. Omnitrans has pursued several attempts to acquire this fueling equipment from naming a partner to competitive procurements. Considering the criticality of this equipment to Omnitrans operations, Omnitrans worked with New Flyer Infrastructure Group to purchase the Hyspenser station.

The hydrogen refueling infrastructure will help Omnitrans toward achieving its goal to convert its bus fleet to 100% zero emissions by 2040 in compliance with the Innovative Clean Transit (ICT) Rule. The four fuel cell electric vehicles, purchased in 2023, will have a fueling range and a fueling time which are comparable to that of a CNG vehicle; thus, hydrogen will meet Omnitrans operational needs while converting to zero emissions technologies.

This procurement meets the requirements of Omnitrans' Procurement Policies and Procedures.



Procurement Review

Funding Source

The cost associated with this procurement is covered in Omnitrans Low-No and EnergIIZE Grant Awards as follows:

Funding	Project Name	Grant	Internal Order/ Account	Amount
Federal	Fuel Cell Portable Station	CA-2023-151	D2340351F	\$1,426,103
State	Fuel Cell Portable Station	EnergIIZE	D2340351S	\$1,125,000
Local	Fuel	LTF	1200-504070	\$ 604,456
Total				\$3,155,559



Verification of Funding Sources and Availability of Funds
(Verified and initialed by Finance)

Conclusion

By proceeding with this contract, Omnitrans will be able to move forward with the purchase of the portable fueling station to fuel the four FCEB, test the two zero-emission technologies, and help Omnitrans achieve its goal of a zero-emission fleet by 2040, in compliance with the Innovative Clean Transit Rule.

ER:CR:VC

Attachments

A. Contract MNT25-25, Portable Fueling Equipment