



4/2/2025

Victoria Chesney
1700 West Fifth Street
San Bernardino, CA 92411

Dear Victoria:

The CALACT-BASIN TRANSIT Purchasing Cooperative is pleased to make an assignment as detailed in the Assignment to Purchase Agreement.

Additional information is available on the CALACT website at www.calact.org/purchasingco-op that documents the procurement process used by the Cooperative to solicit and award Contract No. 23-01. Prior to acceptance of the vehicles you order, a Post-Delivery Audit must be conducted by your agency if you are using Federal Transit Administration funding to purchase the vehicle.

Thank you for purchasing your vehicles through the Cooperative. Please don't hesitate to contact me if you have any questions at 916-920-8018 or email julia@calact.org.

Sincerely,

Julia Marin
Program Specialist

CALACT



Assignment to Purchase Agreement Assignment #23-01-1162

The CALACT-Basin Transit Purchasing Cooperative, “Assignor”, hereby assigns to Omnitrans, “Assignee”, 18 options to purchase Transit Vehicles (“Vehicles”) from the Joint Procurement Cooperative at a price and under the terms and conditions contained in Assignor’s Contract No 23-01 with the Contractors awarded to on the Procurement. Only those vehicles and optional features may be purchased using the Solicitation and the purchase may only be from a Seller listed on the Schedule. Specifically, the Assignment shall have the right to purchase:

Quantity and Type of Vehicle(s):

(18) New Flyer of America - 40' CNG Low Floor Transit Buses - XN40 - Class H

Total # of Vehicles: 18

Such ability to purchase commenced, per terms of Contract, on 4/2/2025, and may be exercised at any time on or before 7/31/2025. Assignee must communicate any changes in the order in particular cancellation to the Cooperative as soon as possible.

With respect to the Vehicles assigned hereunder and this Assignment, Assignee agrees to perform all covenants, conditions and obligations required of Assignor under said Contract and agrees to defend, indemnify and hold Assignor harmless from any liability or obligation under said Contract. Assignee further agrees to hold Assignor harmless from any deficiency or defect in the legality or enforcement of the terms of said Contract or option to purchase thereunder. Assignee agrees and understands that Assignor is not acting as a broker or agent in this transaction and is not representing Seller or Assignee, but rather is acting as a principal in assigning its interest in the above-referenced assignment to purchase the Vehicles under the Contract to Assignee.

Please be advised that assignment of said vehicles does not constitute a recommendation or endorsement of this product by the Cooperative. The Assignee is responsible for its choice of vehicle product and options selected. Assignee is responsible for vehicle inspection, acceptance and enforcement of any contract provisions. While PreAward verifications of Buy America, FMVSS and Purchaser’s Requirements have been accomplished, Assignee is responsible for Post Award due diligence in this regard.

Purchasing agencies are responsible for and are to exercise due diligence in evaluating the suitability of these vehicles for their operating environment and are responsible for determining their eligibility for funding. In particular, the Cooperative urges you to review the Altoona test report for the vehicle you are purchasing.

Supporting documents for your records may be downloaded from our website at

www.calact.org for any reviews or audits your agency will be subject to. Please contact CALACT staff for any assistance you may need at 916-920-8018.

Assignee hereby unconditionally releases and covenants not to sue Basin Transit and/or CALACT upon any claims, liabilities, damages, obligations or judgments whatsoever, in law or in equity, whether known or unknown, or claimed, which they or either of them have or claim to have or which they or either of them may have or claim to have in the future against Assignor, with respect to the Vehicles or any rights whatsoever assigned hereunder.

A handwritten signature in blue ink, appearing to read 'Julia Marin', with a stylized flourish at the end.

Julia Marin
Program Specialist
CALACT
"Assignor"