

ORDINANCE NO. 007-164

AN ORDINANCE AUTHORIZING EXECUTION  
OF A BUS OPTIONS ASSIGNMENT  
AGREEMENT WITH NEW FLYER AND KING  
COUNTY WASHINGTON

WHEREAS, King County, Washington, a home rule charter county and political subdivision of the State of Washington ("King County"), and New Flyer of America, Inc., a North Dakota corporation ("New Flyer"), entered into a contract identified as MB 06-2 for "Manufacture and Delivery of 60-Foot Heavy-Duty Articulated Low-Floor Diesel-Fueled Hybrid and Standard Drive Transit Buses" ("Bus Contract"), and

WHEREAS, Section B2.19.01 of the Bus Contract provides that King County "may assign part or all of any option quantity of buses to another transit property or governmental entity..."; and

WHEREAS, King County has tendered a Bus Options Assignment Agreement to the Authority, under which King County would assign 150 of its 200 option quantity buses to the Authority; and

WHEREAS, The Bus Options Assignment Agreement grants the Authority up to 90 days to exercise the options rights after which the unexercised options will revert back to the King County; and

WHEREAS, It is in the best interest of the Authority to execute the Bus Options Assignment Agreement; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD  
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. That the President, or his designee, is hereby authorized to execute the Bus Options Assignment Agreement substantially in the form attached hereto as Exhibit A.

SECTION 2. That the President, or his designee, is hereby authorized to negotiate with New Flyer all changes that are necessary to the King County bus contract in order to conform such contract to the Authority's operational, technical and legal requirements.

SECTION 3. That the Chairman of the Board is authorized to notify New Flyer that CTA is exercising the bus option rights granted by the assignment for up to 150 buses and to execute all contract documents that are necessary. The authority granted in this section is contingent upon CTA receiving increased state funding.

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SECTION 4. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

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Chairman

December 12, 2007

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Assistant Secretary

December 12, 2007