

**ITEM #31**


**ADDITIONAL MATERIAL  
10:00 A.M. REGULAR MEETING**

**JUNE 12, 2018**

**SUBMITTED AT THE REQUEST OF  
OFFICE OF THE COUNTY ATTORNEY**

**MEMORANDUM**

**TO:** Board of County Commissioners

**FROM:** Andrew J. Meyers, County Attorney 

**DATE:** June 8, 2018

**RE:** **Item 31 on the June 12, 2018, County Commission Agenda**  
**CAO File: 18-026**

The agreement attached to Motion A is the vendor's form agreement. It is not in substantially final form, and additional negotiations will be required. The negotiations will include the County's attempt to remove the provision mandating binding arbitration of any disputes.

Because the motion statement, as currently framed, would approve the agreement in substantially the form attached and authorize only nonsubstantive amendments, we suggest the following replacement Motion A:

- A. MOTION TO AUTHORIZE the Director of Purchasing to negotiate and execute an agreement, approved as to legal sufficiency by the Office of the County Attorney, with Build Your Dreams Motors, Inc. (BYD), as the most reasonable source for the purchase of five (5) over-the-road 45-foot electric buses, in accordance with applicable law and all Federal Transit Administration (FTA) guidance, as approved by the FTA for Low or No (Low-No) Emissions Competitive Federal Grant Program funds pursuant to 49 U.S.C. Section 5339(c). The total estimated cost for the five (5) buses is \$4,684,518.

AJM/AJW/hb

c: Bertha Henry, County Administrator  
Bob Melton, County Auditor  
Angela J. Wallace, Deputy County Attorney