

**Washington Metropolitan Area Transportation Authority
Board Action/Information Summary**

<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	MEAD Number:	Resolution: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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PURPOSE

To obtain indemnification for four Bus Manufacturers, New Flyer, NABI, Orion and DesignLine, for any claims arising out of WMATA's operation or use of their demonstration buses.

DESCRIPTION

Over the next five years WMATA plans to purchase 500 new buses. Currently proposals from four bus manufacturers, New Flyer, NABI, Orion and DesignLine, are being evaluated. In order to more completely assess the various bus models, WMATA would like to test buses from each manufacturer in the Washington area operating environment. Feedback from these demonstrations from customers, operators, and mechanics is important for a complete evaluation of each product.

Vendors are willing to provide demonstration buses, and WMATA will insure them during the test period. In addition, each of the vendors is seeking indemnification for any claims arising out of WMATA's operation or use of the demonstration during the test period.

Without this indemnification it is not certain that the vendors would be willing to provide test buses.

FUNDING IMPACT

No funding impact is anticipated.

RECOMMENDATION

The Board of Directors indemnify New Flyer, NABI, Orion and DesignLine, for any claims arising out of WMATA's operation or use of their demonstration buses.

PRESENTED AND ADOPTED:

SUBJECT: INDEMNIFICATION OF BUS MANUFACTURERS

PROPOSED
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA) operates and maintains a fleet of over 1,500 buses; and

WHEREAS, Over the next five years WMATA plans to purchase five hundred new buses; and

WHEREAS, WMATA is evaluating proposals from four bus manufacturers: New Flyer, NABI, Orion and DesignLine; and,

WHEREAS, WMATA wishes to purchase buses that have been tested in the Washington Metropolitan area operating environment, driven by WMATA employees, used by WMATA customers, and maintained by WMATA mechanics; and

WHEREAS, The preferred method for testing various buses is to operate them for several weeks to obtain customer and employee feedback; and

WHEREAS, The four potential vendors are willing to provide a total of eight buses for a demonstration period; and


WHEREAS, The buses will be insured by WMATA during the test period; and,

WHEREAS, The agreement with each potential vendor includes an indemnification provision requiring that WMATA indemnify the manufacturer for any claims arising out of WMATA's operation or use of the demonstration buses; now, therefore, be it

RESOLVED, That the Board of Directors approves the required indemnification in the agreements with New Flyer, NABI, Orion, and DesignLine indemnifying the manufacturers for any claims arising out of WMATA's operation or use of the demonstration vehicles during their test period; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Carol B. O'Keeffe
General Counsel