



## Legislation Text

File #: 24-0185, Version: 1

**Dept/ Agency:** Engineering

**Action:** (X) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Use of Competitive Contracting, pursuant to N.J.S.A. 40A:11-4.1(j)

**Purpose:** To provide an agreement and authorize the procurement of dockless vehicles for use in the City's public right-of-way.

**Entity Name:** Bird Rides, Inc.

**Entity Address:** 8605 Santa Monica Boulevard, #20388, West Hollywood, California 90069

**Contract Amount:** Revenue Contract (no expenditures from the City of Newark)

**Funding Source:** No municipal funds required

**Contract Period:** Two (2) years from the date of the issuance of a written formal Notice to Proceed

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. (X) EUS

( ) Fair & Open ( ) No Reportable Contributions (X) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

**Additional Information:**

This Resolution ratifies and authorizes the use of competitive contracting for the procurement of dockless vehicles under the City of Newark's Dockless Vehicle Share System Program, and further authorizes a contract award to Bird Rides, Inc. to provide dockless vehicles.

The vendor is required to pay \$125,000.00 for a two (2) year permit and \$105,000.00 will purchase 420,000 rides upfront (based on their previous two-year ridership) to the City of Newark to operate their dockless vehicles in the City's right-of-ways, in accordance with the Dockless Vehicle Provider Share System Program Rules and Regulations.

At the conclusion of two (2) years, if Bird Rides, Inc. has over 420,000 rides, they will provide the City of Newark \$0.25 per ride over 420,000. If they have less than 420,000 total rides in the first two (2) years, then the difference owed to Bird Rides, Inc. will be deducted from the fees, if they renew their permit, or refunded, if they do not renew their permit.

**WHEREAS**, on August 2, 2023, the Municipal Council adopted Ordinance 6PSF-f, which implemented a permanent permit application process for the operation of shared dockless vehicles in the public right-of-way; and

**WHEREAS**, on July 10, 2023, the Department of Engineering, Division of Traffic and Signals, publicly advertised a Request for Proposals (RFP) for vendors to apply to operate under the City of Newark's Dockless Vehicle Provider Share System program. The services to be provided are concessions under N.J.S.A. 40A:11-2(37) and will be at no cost to the City; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.1 (j), competitive contracting via RFP may be used for concessions; and

**WHEREAS**, on August 7, 2023, four vendors, Bird Rides, Inc., Veoride, Inc., Superpedestrian, Inc. and Helbiz DC LLC submitted their responses to the RFP; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.5(d), the proposals were evaluated in accordance with the methodology described in the RFP, via a Technical Evaluation Committee consisting of personnel from the Department of Engineering, Division of Traffic and Signals, the Assistant Director of Engineering, and the Interim Chief of Sustainability. After carefully reviewing the four (4) proposals, the Committee selected Bird Rides, Inc., because their proposal was found to fulfill the requirements of the RFP, showed project understanding, met all project team experience requirements, and had the second highest ranking overall; and

**WHEREAS**, the Acting Director of the Department of Engineering seeks to enter into and execute an agreement with Bird Rides, Inc., for the provision of dockless vehicles under the City's Dockless Vehicle Provider Share System program, pursuant to City Ordinance 6PSF-f, adopted on August 2, 2023, for a term of two (2) years, with no municipal funds required; and

**WHEREAS**, this contract is being awarded pursuant to the Fair and Open Procedures of the State Pay-to-Play law N.J.S.A. 19:44A-20.5, and the City's Pay-to-Play Ordinance, R.O. 2:4-22C.1.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Acting Director of the Department of Engineering are hereby authorized on behalf of the City of Newark, to accept the proposal submitted by Bird Rides, Inc., 8605 Santa Monica Boulevard #20388, West Hollywood, California 90069, to enter into and execute Contract 2023-04PS, to operate Dockless Vehicles within the City of Newark.
2. The vendor shall pay **One Hundred Twenty-Five Thousand Dollars and Zero Cents (\$125,000.00)** for a two (2) year permit to operate and provide their dockless vehicles within the City and an additional Twenty-Five Cents (\$0.25) per ride, prepaying **One Hundred Five Thousand Dollars and Zero Cents (\$105,000.00)** (based on the last two (2) years of rides) which equals 420,000 rides and to pay Twenty-Five Cents (\$0.25) after they surpass 420,000 rides, as set forth within the Dockless Vehicle Provider Share System Program Rules and Regulations, attached hereto and made a part hereof.
3. No changes to this contract are allowed without prior Municipal Council approval.
4. The Municipal Council hereby authorizes and ratifies the use of competitive contracting to provide dockless vehicles under the City of Newark's Dockless Vehicle Provider share System program, from July 10, 2023 to the date of adoption of this authorizing Resolution.
5. A fully executed copy of the contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering and made available for inspection.
6. The term of this contract shall be for a period of two (2) years from the date of a Notice to Proceed issued by the Acting Director of the Department of Engineering and/or their designee. A copy of the Notice to Proceed shall be filed with the Office of the City Clerk.
7. No municipal funds are required for this Resolution as this contract is a revenue generating contract.

8. There shall be no amendments or changes to this contract without prior approval of the Municipal Council.

9. A copy of the executed contract shall be filed in the Office of the City Clerk by the Acting Director of the Department of Engineering and shall be made available for public inspection.

### **STATEMENT**

This Resolution ratifies and authorizes the use of competitive contracting pursuant to N.J.S.A. 40A:11-4.1(j) and further authorizes the Mayor of the City of Newark and/or his designee, and the Acting Director of the Department of Engineering, to award a contract to Bird Rides, Inc., 8605 Santa Monica Boulevard #20388, West Hollywood, California 90069, for the Dockless Vehicle Program within the City of Newark for a period of two (2) years from the date of the issuance of a formal Notice to Proceed, with no municipal funds required.