

Management Committee

Meeting date: December 8, 2021

For the Metropolitan Council meeting of January 12, 2022

Subject:	Southwest Light Rail Transit (Green Line Extension) Kennedy & Graven Contract Amendment No. 3 for Legal Services, Contract 19P037B
District(s), Member(s):	All
Policy/Legal Reference:	FM14-1a Procurement Procedure; FM14-2 - Expenditures for the Procurement of Goods and Services Greater than \$500,000
Staff Prepared/Presented:	Wes Kooistra, General Manager, 612-349-7510 Nick Thompson, Deputy GM Capital Programs 651-602-1754 Jim Alexander, SWLRT Project Director, 612-373-3880 Joan Hollick, SWLRT Project Deputy Director, 612-373-3820 Darcy Erickson, Assoc. General Counsel, 651-602-1108
Division/Department:	Metro Transit / Green Line Extension Project Office

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute Amendment No. 3 to Contract 19P037B with Kennedy & Graven Chartered (Kennedy & Graven) for Legal Services to add \$581,000 for a total contract amount of \$1,329,000.

Background

In June 2019, Kennedy & Graven was awarded Contract 19P037B in the amount of \$680,000 to provide legal services for condemnation and relocation claims and appeals for the Southwest LRT Project. In October 2021, Council executed Amendment No. 2 for an additional \$68,000 for authorized increases to the scope of consultant service between 2019 and 2021, as well as expert witness services.

Amendment No. 3 is required to provide ongoing legal counsel for relocation and condemnation proceedings. The costs in this amendment are due to several factors including the increased level of work needed on several acquisitions being greater than originally estimated, the need for additional expert witnesses, and unanticipated acquisition of temporary easement parcels due to project schedule delay.

Rationale

The amendment of a professional contract exceeding 10% of the original authorized value requires Council approval.

Thrive Lens Analysis

Livability: The Green Line Extension will increase the region's prosperity as it will provide access to 80,900 forecasted jobs and a new transportation option for 55,800 forecasted residents within ½ mile of the planned new stations in addition to the 145,300 forecasted jobs and 35,600 forecasted residents in downtown Minneapolis.

Prosperity: The Green Line Extension reflects strategic investment in regional infrastructure that will promote economic competitiveness and create prosperity for the region.

Funding

The work for this amendment is a Southwest LRT Project (61001) eligible cost. Funds for the work are available in the Project budget. This work is included in the Council's authorized capital budget.

Small Business Inclusion

This contract was sole sourced because of the specific expertise from this legal firm and there was an urgency to ensure that legal proceedings were not delayed.

Known Support / Opposition

There is no known opposition to this action.