

Business Item

Management Committee



Committee Meeting Date: September 28, 2022

For the Metropolitan Council: October 12, 2022

Business Item: 2022-260

Joint Powers Cooperative Agreement with Washington State Department of Enterprise Services

District(s), Member(s): All

Policy/Legal Reference: Minnesota Statutes § 471.59; FM 14-1 Procurement Policy

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Division/Department: Procurement Department/Regional Administration

Proposed Action

That the Metropolitan Council authorize its Regional Administrator to negotiate and execute Joint Powers Cooperative Agreement #221002 with the Washington State Department of Enterprise Services (“DES”) to allow the Council to utilize their master contracts for cooperative purchasing of rolling stock.

Background

DES is a Washington State governmental agency that was established as a cooperative purchasing entity. DES’s process for procuring rolling stock complies with Federal Transit Administration (“FTA”) procurement requirements.

Pursuant to Section 3019 of the FAST Act, FTA grantees may enter into cooperative procurement contracts between a State and one or more vendors; and under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple participants. FTA grantees may participate in a cooperative procurement contract without regard to whether the grantee is in the same state as the parties to the contract.

Minnesota Statutes section 471.59 authorizes two or more governmental units to enter into agreements through which they jointly or cooperative exercise any power common to the contracting parties. Both the Council and DES have the authority to procure transit rolling stock. Section 471.59 authorizes Minnesota governmental units to enter into joint powers agreements with “another state.”

Rationale

The execution of a joint powers agreement requires Council governing body approval.

Thrive Lens Analysis

This action supports several Thrive Outcomes.

- **Stewardship:** Use of the Washington State DES cooperative allows the Council to efficiently procure rolling stock resources. This leverages staff time and resources and provides bus availability and maintains compliance with funding requirements.
- **Livability:** Rolling stock procured from the DES cooperative helps reduce traffic in congested corridors. It also Improves the region's residents' quality of life and experience by expanding available transportation and supports transit options within the region.
- **Prosperity:** This cooperative agreement is another tool to better plan and invest in rolling stock in the region. It increases the connection of residents with employment reachable by transit, social, entertainment, shopping, and educational opportunities in high density areas.
- **Equity:** Expansion of rolling stock fleet supports growth in ridership and increases mobility and access to opportunities for all residents, across race, economic means and ability

Funding

This is a zero-cost cooperative. Funding for bus purchases will be approved separately.

Small Business Inclusion

This is a Joint Powers Agreement with a government entity. Therefore, the Office of Equity and Equal Opportunity did not establish a small business inclusion goal.

