

# Business Item

Management Committee



**Committee Meeting Date:** July 9, 2025

**For the Metropolitan Council:** July 23, 2025

## Business Item: 2025-165

METRO Green Line Extension Construction Support Legal Services, Contract 20P007 – Amendment No. 3

<b>District(s), Member(s):</b>	All
<b>Policy/Legal Reference:</b>	FM 14-2 Expenditures for the Procurement of Goods, Services, and Real Estate Policy
<b>Staff Prepared/Presented:</b>	Lesley Kandaras, General Manager, 612-349-7513 Nick Thompson, Deputy General Manager, 612-349-7507 Jim Alexander, Project Director, 612-373-3880 Nic Dial, Deputy Project Director, 612-373-3974 Patrick Lee O'Halloran, Associate General Counsel, 651-602-1689
<b>Division/Department:</b>	Metro Transit / METRO Green Line Extension

### Proposed Action

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute an amendment to Contract 20P007 with Venable, LLC for legal services in support of METRO Green Line Extension Project activities in an amount not to exceed \$8,977,000 for a total contract not to exceed amount of \$28,227,000.

### Background

In July 2020, after a competitive solicitation process, Schiff Hardin, LLP and the Metropolitan Council (Council) executed Contract 20P007 in the amount of \$2.5 million to provide construction- related legal services and expert subconsultants to support the Council during construction of the METRO Green Line Extension Project (Business Item 2020-157). In January 2021, the attorneys working on the contract moved their practice from Schiff Hardin to Venable. The Council agreed to assign the contract to Venable so the attorneys could continue their work. Venable has retained expert construction cost accountant experts and forensic engineers as subconsultants to support its legal services to the Council.

Venable's legal services include representing the Council in the negotiation of agreements and change orders with the Civil and Systems construction contractors and representing the Council in the mediation with the Cedar Isles Condominium Association. Venable's expert subconsultants are providing financial and engineering analysis to support the resolution of disputes with the Council's construction contractors and third parties.

The contract has subsequently been amended as follows:

- Amendment No. 1 increased the contract amount by \$8.25 million and extended the contract term through 2027 (BI 2022-64)
- Amendment No. 2 increased the contract amount by \$8.5 million to provide funding for

Amendment No. 3 is required to provide funding for the remainder of 2025 and through 2026 to support the continued resolution of issues related to delays on and construction of the Project. The amount of this amendment results from a higher than anticipated number and intensity of work tasks for Venable and its subconsultants than previously anticipated.

Venable and its experts are uniquely qualified to conduct this work, as they have represented the Council in extensive negotiations with the Council's contractors and have gained an in-depth knowledge of the Project through the work completed under the original contract.

### **Rationale**

Council Policy requires amendments exceeding 10% of the original authorized contract value be approved by the Council if the cumulative value exceeds \$500,000. Amendments to contracts that exceed 10% of the original value constitute sole source procurements requiring Council approval.

### **Thrive Lens Analysis**

The Council adopted Imagine 2050 on February 12, 2025, which builds on policy direction in the following Thrive MSP 2040 outcomes:

**Stewardship:** Transit investment provides an opportunity to reinvest and grow the capacity of our communities, with more inclusive development and intentional investment. It encourages businesses to invest in communities, which means access to resources, community amenities, jobs, and other community assets.

**Equity:** Connections to other METRO lines and countless local bus routes will bring people to jobs, education, resources and connect diverse and vibrant communities across the region.

**Livability:** The METRO Green Line Extension will add 14.5 miles to the existing Line, which connects downtown Minneapolis, downtown Saint Paul, and places in-between. This segment connects Eden Prairie, Minnetonka, Hopkins, and St. Louis Park to both downtown Minneapolis and Saint Paul, and major destinations at the University of Minnesota and the State Capitol.

**Prosperity:** The METRO Green Line Extension reflects strategic investment in regional infrastructure that will promote economic competitiveness and create prosperity for the region. Despite being under construction, the METRO Green Line Extension has already seen \$3.1 billion of investment within a half-mile of the line. Another \$738 million of investment is planned.

**Sustainability:** Over 650,000 more people will be living, working, and moving around the Twin Cities region by 2050. As a result, a robust transportation system is needed to provide the region choices and more mobility.

### **Funding**

The cost for this amendment is a METRO Green Line Extension Project (61001) eligible cost. Funds are available in the Project (No. 61001) budget and included in the Council's authorized capital budget.

### **Small Business Inclusion**

This amendment is being procured through the sole source process. The Office of Equity and Equal Opportunity (OEEO) does not review sole source amendments for small business sub-contracting opportunities.

