

## Transportation Committee

Meeting date: October 9, 2019

For the Metropolitan Council meeting of October 9, 2019

**Subject:** Minneapolis Bus Garage, Rejection of Bids for Construction Contract 19P000

**District(s), Member(s):** District 7, Robert Lilligren

**Policy/Legal Reference:** Council Expenditure Policy 3-3, Procurement of Goods and Services MS § 13.591, and MS § 473.405; Business Data and Metropolitan Council statutes

**Staff Prepared/Presented:** Wes Kooistra, General Manager, 612-349-7510

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**Division/Department:** Metro Transit Engineering & Facilities

### Proposed Action

That the Metropolitan Council (1) reject all bids received for construction of the Minneapolis Bus Garage (Heywood Expansion/Electric Bus Infrastructure – Project # 62312); and (2) authorize Council staff to resolicit bids for the project.

### Background

The Minneapolis Bus Garage will provide additional bus storage, operations and support functions, and maintenance space to support continued growth in ridership demand and upcoming service expansion. Metro Transit's existing five bus garages have already exceeded their optimal capacity. By 2032, the fleet is projected to grow by 185 buses, including electric buses, to support a service expansion to connect more people to work, school, healthcare, recreation, and other destinations.

On May 29, 2019, the Council issued the Invitation for Bids for the Minneapolis Bus Garage construction contract. The Council publicly opened bids on July 11, 2019. Five bids were received, ranging from \$114,127,000 to \$120,854,595.

The low bidder filed a lawsuit against the Council in Ramsey County District Court on September 18, 2019, asking the court to stop award of the contract to the second low bidder. In the lawsuit, the low bidder challenged Council staff's determination that it did not make good faith efforts to meet the 15% DBE goal for the project. The low bidder dismissed the lawsuit when it learned the project would be rebid.

The project will be rebid with changes to the scope and clarifications to the DBE procedures.

When all bids are rejected, information contained in the bids (other than the bidders' names and the dollar amounts of their bids) remain private and nonpublic until a resolicitation of bids results in a contract award.

### Rationale

The rejection of bids exceeding \$2,500,000 requires Council authorization.

**Thrive Lens Analysis**

This action advances the following Thrive Outcome: Stewardship by demonstrating efficient and effective use of public financial resources;

**Funding**

Project Funding is authorized and available within project 62312 with approval of Business Item No. 2019-205.

**Known Support / Opposition**

Support of the project has been demonstrated through the award of two competitive grants to contribute to the project funding. These applications included letters of support from the Federal level down to the local level. Multiple local agencies' long-range plans include expansion of the bus fleet to support long-term growth in the region and this facility is needed to meet those plans. There is no known opposition to this project.