

Management Committee

For the Metropolitan Council meeting of November 10, 2021

Subject: Ratification of Emergency Declaration - COVID-19 Related Procurement

Proposed Action

That the Metropolitan Council ratify the attached Emergency Declaration for purchase of COVID-19 saliva Take Home and On-site Testing kits and access to 37 clinic locations for PCR testing in the amount of \$1,835,000.00.

Summary of Committee Discussion/Questions

Staff presented the need for purchase of COVID-19 saliva Take Home and On-site Testing kits and access to 37 clinic locations for PCR testing.

There were no questions from the Committee.

Motion by Johnson, seconded by Gonzalez. Council Member Barber abstained. Motion carried.

Management Committee

Meeting date: October 27, 2021

For the Metropolitan Council meeting of November 10, 2021

Subject: Ratification of Emergency Declaration – COVID-19 Related Procurement

District(s), Member(s):

Policy/Legal Reference: Council Expenditure Policy 14-2, Emergency Expenditures

Staff Prepared/Presented: Philip Walljasper, 651-602-1787; Jody Jacoby, 651-602-1144

Division/Department: Regional Administration

Proposed Action

That the Metropolitan Council ratify the attached Emergency Declaration for purchase of COVID-19 Saliva Take Home and On-site testing kits and access to 37 clinic locations for PCR testing in the amount of \$1,835,000.00.

Background

The COVID-19 pandemic is an emergency public health crisis with recent Delta variant cases on the rise. With vaccines now readily available, immediate action is needed to require weekly COVID-19 testing for employees not vaccinated to ensure health and safety of our employees and customers.

Rationale

The Metropolitan Council has delegated authority to the Regional Administrator to declare emergencies on behalf of the Council when the health, safety or welfare of the public is compromised, or potentially compromised, and immediate action is required to address the emergency. The emergency declaration is presented to the appropriate implementation committee for approval and placed on a following Council consent list for formal ratification.

Accountability – Following policy 14-2, the Regional Administrator may authorize appropriate contracts and payments necessary to meet the emergency situation provided that, if the cost to correct the emergency situation totals \$175,000 or more, the emergency declaration shall also be presented to the appropriate committee for formal ratification at its next regular meeting.

Thrive Lens Analysis

This action advances the Thrive outcome of stewardship. Public financial resources will be invested efficiently and effectively in the region.

Funding

The full cost of COVID-19 Saliva Take Home and On-site testing kits and access to 37 clinic locations for PCR testing is estimated at \$1,835,000.00. Cost will be applied to each division's operation funds.

Known Support / Opposition

There is no known opposition.

"A declared public emergency is an emergency situation in which the health, safety or welfare of the public or the safety of Metropolitan Council employees or facilities is compromised or potentially compromised and requires immediate action to correct."

INSTRUCTIONS: Fields marked with an asterisk (*) or outlined in red are required. All names must be entered in the following format:

Last Name, First Name (e.g., *Johnson, Joe*). Responses must be **limited to 255 characters**, unless otherwise noted. **Do not print this form**. For assistance, contact [Procurement](#).

NOTE: The signature boxes are controlled by the status of the form and the name of the person who is logged in to the computer. For example, the From Signature box will only be active when the person listed in the From Name field is logged in to the computer. If you would like to save your progress and allow for the appropriate person to log in to the computer, please click the Save As Draft button at the bottom of the form. You will then receive an automated email containing a link to the form which, if necessary, you may forward to the appropriate person.

Requestor Name

Requestor's Supervisor

Requestor Division

Emergency Title

I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED BASED UPON THE FOLLOWING:

Describe the nature of the emergency situation.

Please note that a maximum of 1275 characters are allowed in the space below.

To protect the health and safety of our employees and customers from the threat of COVID-19, the Council has adapted a policy that all employees and certain contractors must be vaccinated or undergo weekly testing.

Explain why this situation is a present, immediate, and existing emergency.

Please note that a maximum of 1275 characters are allowed in the space below.

The COVID-19 pandemic is an emergency public health crisis with recent Delta variant cases on the rise. With vaccines now readily available, immediate action is needed to require weekly COVID-19 testing for employees not vaccinated to ensure health and safety of our employees and customers.

Explain how this emergency does or will affect the healthy, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities.

Please note that a maximum of 1275 characters are allowed in the space below.

Increased cases of COVID-19, including Delta variant, directly affects the health, safety and welfare of the public and Metropolitan Council employees, contractors and facilities.

Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost.

Please note that a maximum of 1275 characters are allowed in the space below.

COVID-19 Saliva Take Home and On-site testing kits and access to 37 clinic locations for PCR testing.

MTS contractors plans to purchase Cue or comparable COVID test kits and the Council wishes to reimburse this expense that could not have been reasonable anticipated when the service contracts were procured and executed.

The Metro Transit Police Department will need to purchase Cue COVID or comparable rapid tests.

\$1,355,000 for employee tests; \$360,000 for MTS; \$120,000 for MTPD for a total of \$1,835,000 Estimated Cost

Please note that a maximum of 1275 characters are allowed in the space below. Current count: 0 characters.

Identify how you chose the contractor(s).

Existing contracts with two vendors in place due to the Governor's Statewide Emergency Order issued in 2020. Cue Health is the only vendor approved by the Minnesota Department of Health for their rapid test kits. Quotes are not required in declared emergencies. If quotes were obtained, please attach them here. Click the button below to attach any documents that should be routed along with the form.

Approvals
knowledge and belief.

I hereby certify that the information presented on this form is accurate and complete to the best of my

Requestor Signature Date
Bopp, Terri 9/10/2021 6 PM 07

Supervisor Signature Date
Cordes, Marcy 9/13/2021 10 AM 02

Division Signature Date
Director/General Manager
Bogie, Mary 9/14/2021 11 AM 43

Based on the above information, an emergency situation exists within the meaning of the Council Procurement Policy. Carrying out the competitive bidding process and the technical requirements of the Council's Procurement Policy, and awaiting Council declaration of an emergency and approval for the purchase of materials or supplies or the making of emergency repairs would significantly and unacceptably delay the commencement of repair work on the above-referenced project. The Metropolitan Council, by its Procurement Policy, has delegated authority to the Regional Administrator to declare an emergency on behalf of the Council in such cases. Therefore, I declare on behalf of the Metropolitan Council, that an emergency exists as described above and that the emergency situation requires the immediate purchase of materials or supplies or the making of emergency repairs. I authorize the General Manager/Division Director named above to let appropriate contracts and make payments for the purchase of materials or supplies or the making of repairs necessary to meet the emergency situation without advertising for bids, without meeting other technical requirements of Council Procurement Policy, and without prior approval of the Council. If the costs to correct the emergency situation total \$175,000 or more, I direct that this emergency declaration and any such contracts and/or payments be presented to the Metropolitan Council for formal ratification at its next meeting.

Regional Administrator Signature Date
Bogie, Mary 9/14/2021 2 PM 41
Assigner Signature Date
12 AM 00

Assign

Contract Manager / Purchasing Agent

