

Transportation Committee

For the Metropolitan Council meeting of December 8, 2021

Subject: Gold Line Master Utility Agreement #21M085 with Northern States Power Company

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a METRO Gold Line Bus Rapid Transit (Gold Line) Master Utility Agreement (MUA) #21M085 with Northern States Power Company in an amount not to exceed \$4,800,000.

Summary of Committee Discussion/Questions

Metro Transit BRT Projects Assistant Director Chris Beckwith presented this item. Zeran asked that even those the FTA rules on procurement don't apply here, can we still ask that they find and bid parts of the work to a DBE. Beckwith responded that we can certainly ask but cannot enforce as they are exempt from the FTA procurement requirement.

Motion by Zeran, seconded by Fredson. Motion carried.

Transportation Committee

Meeting date: November 22, 2021

For the Metropolitan Council meeting of December 8, 2021

Subject:	Gold Line Master Utility Agreement #21M085 with Northern States Power Company
District(s), Member(s):	District 12 (Gonzalez), District 11 (Vento), District 13 (Lee)
Policy/Legal Reference:	Council Policy FM 14-2 Expenditures for the Procurement of Goods and Services
Staff Prepared/Presented:	Wes Kooistra, General Manager, 612-349-7510 Nick Thompson, Deputy General Manager, 612-349-7507 Charles Carlson, Director – BRT Projects, 612-349-7639 Chris Beckwith, Asst. Director – BRT Projects, 651-602-1994
Division/Department:	Metro Transit – BRT Projects (Gold Line Project Office)

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to negotiate and execute a METRO Gold Line Bus Rapid Transit (Gold Line) Master Utility Agreement (MUA) #21M085 with Northern States Power Company in an amount not to exceed \$4,800,000.

Background

This MUA will transfer Council funds to Northern States Power Company for the relocation of utilities owned by Northern States Power Company which would conflict with the planned Gold Line alignment. Utility work may include relocation, protection in place, removal, replacement, reinstallation, or modification of the facilities in coordination with the Gold Line's civil construction package.

According to the Federal Transit Administration, Northern States Power Company is a utility owner and is not treated as a contractor or a subrecipient, but rather, as the actual property owner of the utility infrastructure. The property owner is not hired by Met Council to perform work but is instead being reimbursed for the costs of relocating its assets due to an FTA-funded project. As a utility owner, Northern States Power Company is exempt from certain Federal Transit Administration procurement requirements such as Disadvantaged Business Enterprise requirements.

Rationale

This MUA is a necessary contractual mechanism to transfer Project funds to Northern States Power Company. Relocation of this utility is required for the Gold Line's construction and operations.

Thrive Lens Analysis

The Gold Line Project supports Thrive outcomes including Livability, Prosperity, and Equity with its investment in high-quality transportation that will make the region more economically competitive by supporting major job creators and increasing workers' access to employment hubs. These agreements additionally support Stewardship by ensuring congruence with the region's existing fiber infrastructure.

Funding

Funding is available through an existing Capital Grant Agreement with the Gold Line Joint Powers Board and is currently reflected in the Council's Authorized Capital Budget under project 61402.

Known Support / Opposition

There is no known opposition to this agreement.