

Committee Report

Environment Committee



Committee Meeting Date: April 9, 2024

For the Metropolitan Council: April 24, 2024

Business Item: 2024-80

Master Contract 23P092 for Wastewater Treatment Plant Environmental Permitting Assistance

Proposed Action

That the Metropolitan Council authorize the Regional Administrator to award and execute contracts 23P092A-C for wastewater treatment plant environmental permitting assistance, for a cumulative not to exceed amount of \$2,000,000 in service areas and amounts, as follows:

Organization	Contract Number	Service Area	Contract Amount
Barr Engineering Company	23P092A	air quality permitting assistance, and waste management compliance	\$700,000
Brown and Caldwell	23P092B	water quality permitting assistance	\$400,000
Stantec Consulting Services Inc.	23P092C	air quality permitting assistance, and water quality permitting assistance	\$900,000

Summary of Environment Committee Discussion/Questions

- CM Carter: What does the Brooks Act refer to?
- Staff responded: The Brooks Act is for federal contracts in which there are licensed and certified staff. It's a two part process that ensures that the consultants were selected in order of the highest technical rating cost proposals are then opened in order of the technical rating for negotiation.
- CM Carter: Has that impacted DBE firms negatively historically?
- Staff responded: No, the process is not inherent to create any barriers or lack of participation for DBE firms. It's a common procurement process.
- CM Osman: It states that the DBE goal was 17 percent, what was the actual number for this contract?
- Staff responded: All of them committed to 17 percent.

Motion by CM Osman, seconded by CM Morales. Motion carried.

Business Item

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Master Contracts for Wastewater Treatment Plant Environmental Permitting Assistance, Contract 23P092

District(s), Member(s): All
Policy/Legal Reference: FM 14-2 - Expenditures for the Procurement of Goods, Services, and Real Estate Policy
Staff Prepared/Presented: Rene Heflin, Manager of Plant Engineering, 651-602-1077
Division/Department: MCES c/o Leisa Thompson, 651-602-8101

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Background

These contracts will support the capital program and other plant permitting work. The cumulative value is based on level of effort estimates in three service areas: air quality permitting assistance, \$1,000,000; water quality permitting assistance, \$800,000; and waste management compliance, \$200,000.

The Request for Proposals was issued July 7, 2023. A pre-proposal meeting was hosted by Council staff that outlined the solicitation requirements, discussed project specifications and responded to plan holder inquiries. There were twenty-five plan holders, twenty-two consultants, three plan rooms, and six plan holders identified as minority, woman, small, veteran, or disadvantaged business enterprises. The Council received five proposals to be evaluated for the consideration of award.

In accordance with the Brooks Act, the evaluation of proposals followed a two-step process. An evaluation panel ranked and selected the most technically qualified proposers. Following approval of the evaluation panel findings, conclusions, and recommendations, the cost proposals of the highest ranked proposers were reviewed by a negotiation panel that negotiated pricing and reached agreement with three of the four proposers recommended by the evaluation panel. The Council was not able to reach mutually agreeable terms with the fourth proposer and in a letter dated February 15, 2024, that proposer ceased negotiations.

The evaluation panel recommended distribution of the remaining work and contract value among the three remaining proposers and the negotiation team agreed. The final prices have been determined to be fair and reasonable and a consensus was reached that the proposals submitted by the referenced list of proposers are the most advantageous to the Council.

Rationale

The execution of an architecture and engineering contract exceeding \$500,000 requires Council approval.

Thrive Lens Analysis

This action advances the Thrive Outcomes of Stewardship and Sustainability. Public financial resources will be responsibly invested to support orderly economic development while maintaining the regional wastewater system assets, which protect the region's natural resources.

Funding

Funding is provided in the Capital Program.

Small Business Inclusion

The Office of Equity and Equal Opportunity (OEEO) set a Disadvantaged Business Enterprise (DBE) goal of seventeen percent (17%). OEEO determined that all vendors being recommended for award have met the DBE requirements of this contract.

