

Committee Report

Transportation Committee



Committee meeting date: March 10, 2025

For the Metropolitan Council: March 26, 2025

Business Item: 2025-58

METRO Gold Line Bus Rapid Transit, Contract 20P073A – Amendment 2

Proposed action

That the Metropolitan Council (Council) authorize the Regional Administrator to execute an amendment to contract 20P073A with Kennedy & Graven that will add \$500,000 for a total contract value not to exceed amount of \$1,185,222.45.

Summary of Transportation Committee discussion/questions

Metro Transit Gold Line Project Director Alicia Vap and Metropolitan Deputy General Counsel George Henry presented this item. There were no questions from Council Members.

Motion by Vento, seconded by Carter, Tyronne. Motion carried, consent to Council.



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District(s), Member(s): District 12 (Vento), District 13 (Lee), District 14 (Carter)

Policy/Legal Reference: FM 14-2 - Expenditures for the Procurement of Goods, Services, and Real Estate Policy

Staff Prepared/Presented: Nick Thompson, Deputy General Manager, 612-349-7507
Alicia Vap, Gold Line Project Director, 612-349-7079
George Henry, Associate General Counsel, 651-602-1502

Division/Department: Metro Transit - METRO Gold Line

Proposed Action

That the Metropolitan Council (Council) authorize the Regional Administrator to execute an amendment to contract 20P073A with Kennedy & Graven that will add \$500,000 for a total contract value not to exceed amount of \$1,185,222.45.

Background

The Council executed contract 20P073A (contract) on June 18, 2021, with LeVander, Gillen & Miller, P.A. in the amount of \$685,222.45 for legal services related to property acquisition activities for the Gold Line BRT project (Project). This contract was assigned by LeVander, Gillen & Miller, P.A. to Kennedy & Graven, Chartered, with the consent of the Metropolitan Council on August 1, 2023, due to the lead attorney accepting a new position with the assigned firm. The Council executed Amendment one to the contract to extend the contract date from December 31, 2024, to December 31, 2026.

Amendment 2 seeks to increase the funds to the contract by \$500,000 to cover the potential for further litigation to resolve the remaining parcels being handled by Kennedy & Graven on the Project. Of the remaining parcels, several could still go to Commissioners' Hearings or be appealed to District Court.

Rationale

Council Policy requires contract amendments exceeding 10% of the original authorized contract value to be approved by the Council if the original value exceeds \$500,000.

This contract amendment will continue to provide the Gold Line BRT project team with the necessary support for legal services related to property acquisition.

Thrive Lens Analysis

The Council adopted Imagine 2050 on February 12, 2025, which builds on policy direction in Thrive MSP 2040. Under the Thrive lens, investment in high-quality transportation options will advance the Thrive outcome of Prosperity, by making the region more economically competitive through increased workers' access to employment, and support to employers by increasing available workforce with affordable, convenient transportation.

The Gold Line Project advances the Equity outcome by distributing transit resources throughout the region and improving access to jobs, educational opportunities, and health services to diverse communities.

Funding

Funds for this contract amendment are an eligible cost and are included in the Gold Line Project budget and the Council's authorized capital budget under Project #61402.

Small Business Inclusion

The current DBE achievement on 20P073A Gold Line Master Contract for Legal Services is 6.81%, as of February 2025, exceeding the DBE contract goal of 1% as established by the Office of Equity and Equal Opportunity (OEEO). OEEO will continue to monitor the project to ensure the DBE requirements are met, inclusive of all amendments.

