

Transportation Committee

Meeting date: October 11, 2021

For the Metropolitan Council meeting of October 27, 2021

Subject:	Gold Line Master Utility Agreement #211060 with the Office of MN.IT Services
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 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 with the Office of MN.IT Services (MNIT) in an amount not to exceed \$2,863,601.

Background

The proposed action revises business item for 2021-99 that was approved at the June 14, 2021 Transportation Committee and the June 23, 2021 Metropolitan Council meeting. The initial authorization enabled negotiation and execution of a Subordinate Funding Agreement. During subsequent agreement negotiations, it was determined that the agreement type should instead be a Master Utility Agreement (MUA) and not a Subordinate Funding Agreement. In addition, there are additional estimated construction costs, including the relocation of additional fiber duct bank owned by MNIT, that increase expected costs beyond the authorized value.

This MUA will transfer Council funds to MNIT for the relocation of a fiber duct bank owned by MNIT. The agency's existing duct bank is located generally north of Interstate 94 and would conflict with the planned Gold Line alignment. This necessitates its relocation prior to the start of major Gold Line construction in 2022. MNIT is currently leading design and engineering services for this work under a separate funding agreement.

According to the Federal Transit Administration, MNIT 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 public utility MNIT is exempt from certain Federal Transit Administration procurement requirements such as Disadvantaged Business Enterprise requirements. MNIT would utilize its own procurement policies and procedures under the Department of Administration.

The proposed agreement value represents the estimated project costs for relocation and a 10 percent contingency allowance.

Rationale

This MUA is a necessary contractual mechanism to transfer Project funds to MNIT. Relocation of this duct bank 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. The Council and MNIT are committed to working together to advance the Gold Line Project.