

Transportation Committee

Meeting date: October 25, 2021

For the Metropolitan Council meeting of November 10, 2021

Subject:	Gold Line Master Utility Agreement #21M086 with Qwest Corporation
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) #21M086 with Qwest Corporation in an amount not to exceed \$6,590,809.

Background

This MUA will transfer Council funds to Qwest Corporation (doing business as Century Link) for the relocation of utilities owned by Qwest Corporation 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, Qwest Corporation 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, Qwest Corporation 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 Qwest Corporation. 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.