

February 7, 2018

Chair Pratt & members of the Legislative Commission on Metropolitan Government,

Thank you for giving the Council the opportunity to testify at the January 24, 2018 hearing of the Legislative Commission on Metropolitan Government regarding the procurement of the SWLRT project. We communicated at that time our primary interest is to protect the integrity of each procurement by ensuring compliance with state and federal requirements and preventing real and perceived unfair competitive advantages among bidders.

We also heard and appreciate the concerns that were expressed by the testifiers and committee members who believe that our approach has been unnecessarily restrictive. For these reasons, the Council is committed to taking the following actions that address much of the concern raised at the hearing, while maintaining the integrity of our procurement process.

- The Council will separately procure quality management services for the Southwest Light Rail Transit (SWLRT) project and future similar solicitations. This separation of quality management from construction procurements is consistent with best practice and allows the owner appropriate control and oversight of the quality management work. The procurement of quality management services as a separate professional service solicitation also provides proposers who worked under the design and engineering contract the opportunity to propose possible mitigations of conflicts of interest that may exist.
- The quality management professional services solicitations will include guidelines to help proposers identify when a conflict exists and a form for certification and disclosure of potential conflicts.

A Request for Proposals for Quality Management Services for the SWLRT is anticipated to be released later this month.

- For future design and engineering procurements, the Council will further define and clarify the subcontractor restrictions for participating in the construction phase of the contract. In doing so, the application of the conflict of interest restrictions will be more focused and based on the type of work performed as a subcontractor of the design and engineering team. The Design Prime contractor will be required to identify the subcontractors who perform work that is subject to restrictions of 2 CFR §200.319 and will apply the conflict of interest contracting restrictions to only those subcontractors.

The Council appreciates your interest in the procurement of this important regional project.

Regards,



Wes Kooistra

Regional Administrator
Metropolitan Council