

**Legislative Coordinating Commission**  
**Legislative Commission on Metropolitan Government**

Sen. Pratt \_\_\_\_\_ moves that the Legislative Commission on Metropolitan Government:

1. Recommend that the Metropolitan Council take the following actions related to its contract bidding process:
  - a. Rescind the unconditional disqualification of 36 firms, including multiple Disadvantaged Business Enterprise (DBE) firms;
  - b. Evaluate each of the 36 precluded firms for potential conflicts of interest on a case by case basis and consider whether a potential conflict could be appropriately mitigated within existing law and Federal Transit Administration guidance on conflicts of interest;
  - c. Reconsider the current conflict of interest policy and make changes to the policy for current and future projects consistent with evaluating conflicts on a case by case basis rather than continuing with unconditional disqualifications;
  - d. Maintain appropriate documentation of the Metropolitan Council's conflict of interest mitigation and avoidance process consistent with the State Auditor's oral comments;
  - e. Establish a policy and procedure to review material changes in terms or interpretation of contract provisions with all potential bidders.
  
2. The preceding recommendations to the Metropolitan Council are based upon:
  - a. The Legislative Commission on Metropolitan Government's interest in ensuring that the bidding process for Metropolitan Council projects is fair, transparent, and clear for all parties involved;
  - b. The Legislative Commission on Metropolitan Government's concerns that precluding qualified firms from the bidding process may significantly reduce competition and drive up costs for building public works projects;
  - c. Testimony at the Legislative Commission on Metropolitan Government hearing on January 24, 2018 when the Metropolitan Council indicated that it has not evaluated whether any of the 36 precluded firms in fact have a conflict of interest and whether those potential conflicts could be appropriately mitigated;
  - d. Testimony at the January 24, 2018 hearing that the Metropolitan Council did not use the current unconditional ban process during bidding for prior projects;
  - e. Testimony at the January 24, 2018 hearing that the Metropolitan Council changed its conflict of interest policy based upon oral recommendations from the State Auditor's office.

Adopted 02/08/2018