

# Transportation Committee

Executive Summary

Item: 2007-217

Consent

Meeting date: June 27, 2007

## ADVISORY INFORMATION

**Date:** June 5, 2007

**Subject:** Ratification of Declaration of Emergency to Extend Contracts with Senior Community Services

**District(s), Member(s):** District 3 Mary Hill-Smith

**Policy/Legal Reference:** Council Policy 3-3 Expenditures  
Council Policy 3-4-3 and Procedure 3-4-3a  
Transportation Policy Plan 6a: Transit Service Options

**Staff Prepared/Presented:** Arlene McCarthy, Director MTS (651)602-1754  
Gerri Sutton, Asst. Dir. Contracted Transit Services (651)602-1672  
John Harper, Supervisor Contracted Transit Services (651)602-1664  
Jody Jacoby, Project Administrator (651)602-1709  
Chris Gran, Director of Purchasing – Metro Transit (612)349-5060

**Division/Department:** Metropolitan Transportation Services (MTS)

## Proposed Action/Motion

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* for amendments to contract numbers C- 97-67 and SG-02-053 between the Metropolitan Council and Senior Community Services.

## Issue(s)

- Contracts C-97-67 and SG-02-053 expire on June 30, 2007.
- The Council's decision to award the replacement contract, 07P042, to Midwest Paratransit Services is under protest by Senior Community Services (SCS).
- The Council must assure continuity of transit services until the situation has been resolved and a new contract awarded.

## Overview and Funding

SCS provides service in Minnetonka, Deephaven, Shorewood, Tonka Bay, Excelsior, Greenwood, Mound and Spring Park under agreements C-97-67 and SG-02-053 with the Council. The service was redesigned and melded into one service contract titled "The Minnetonka Area Dial a Ride Transit Service". An RFP was issued in April 2007 for services to be provided under a single contract with the Council. The RFP and evaluation process resulted in a panel recommendation to award the contract to Midwest Paratransit Services, Inc. effective July 1, 2007. The recommendation was approved by the Transportation Committee on May 14 and the Council on May 23, 2007.

Subsequently, and in compliance with the Council's protest procedures, SCS issued a request to the Regional Administrator for a panel review of the process. A Protest Evaluation Panel has been convened and will make a recommendation to the Council. It is expected that the Transportation Committee will consider and act on the Protest Evaluation Panel's recommendation on July 9 with final same week action by the Council on July 11, 2007.

The two contracts expire on June 30, 2007. To give the Protest Evaluation Panel adequate time to investigate and develop a recommendation, the current contracts need to be extended for two months. SCS requested authorization for contract extensions no later than June 6 to assure continuity of the service. The Council has delegated authority to the Regional Administrator to declare emergencies on behalf of the Council when the health, safety or welfare of the public is compromised or potentially compromised and immediate action is required. Sufficient funding is available in the current agreements and the Council's 2007 operating budget for the two additional months of service.

### Justification for and Declaration of Emergency

*"A declared public emergency is an emergency situation in which the health, safety or welfare of the public or the safety of Metropolitan Council employees or facilities is compromised or potentially compromised and requires immediate action to correct."*

I REQUEST THAT A PUBLIC EMERGENCY BE DECLARED, BASED UPON THE FOLLOWING:

Describe the nature of the emergency situation:	Contracts for routes 641/678 (C-97-67) and Minnetonka DAR (SG-02-053), operated by Senior Community Services, expire on June 30, 2007. Award of the new contract is under protest, thus delaying implementation of the new contract award.
Explain why this situation is a present, immediate, and existing emergency:	The Council will not act on the contract extension until June 27 <sup>th</sup> , which does not provide the incumbent with a fair opportunity to retain current drivers and other staff. The retention of current staff is critical to uninterrupted service on the street.
Explain how this emergency does or will affect the healthy, safety, or welfare of the public or the safety of Metropolitan Council employees or facilities:	Citizens within the communities of Minnetonka, Mound, Shorewood, Navarre, Deephaven, Tonka Bay, Excelsior, Greenwood, and Spring Park rely on these public transit services to get to jobs, appointments, and accomplish other life sustaining activities.
<b>(Complete reverse side of form and sign)</b>	

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Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:	<p>It is a continuation of the services currently under contract for an additional 2 month period.</p> <p>Estimated cost: \$NA There is sufficient authorization in the current agreements, thus the Council will be asked to only extend the term of the agreement to August 31, 2007.</p>
Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):	The current contractor will be the provider of the services through August 31, 2007. The contractor will continue to provide service under the terms of the current agreement.
Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:	NA
List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:	NA
I hereby certify that the information presented on this form is accurate and complete to the best of my knowledge and belief.	
Requestor's Signature: <i>Gene M. Sutton</i> Title: <i>Asst Dir- CTS</i> Date: <i>6/5/07</i>	
Signature: <i>Arlene McCaughy</i> General Manager/Division Director Date: <i>6/5/07</i>	
Based on the above information, an emergency situation exists within the meaning of the Council Procurement Policy. Carrying out the competitive bidding process and the technical requirements of the Council's Procurement Policy, and awaiting Council declaration of an emergency and approval for the purchase of materials or supplies or the making of emergency repairs would significantly and unacceptably delay the commencement of repair work on the above-referenced project. The Metropolitan Council, by its Procurement Policy, has delegated authority to the Regional Administrator to declare an emergency on behalf of the Council in such cases. Therefore, I declare on behalf of the Metropolitan Council, that an emergency exists as described above and that the emergency situation requires the immediate purchase of materials or supplies or the making of emergency repairs. I authorize the General Manager/Division Director named above to let appropriate contracts and make payments for the purchase of materials or supplies or the making of repairs necessary to meet the emergency situation without advertising for bids, without meeting other technical requirements of Council Procurement Policy, and without prior approval of the Council. If the costs to correct the emergency situation total \$25,000 or more, I direct that this emergency declaration and any such contracts and/or payments be presented to the Metropolitan Council for formal ratification at its next meeting.	
Signature: <i>[Signature]</i> Regional Administrator Date: <i>6-5-07</i>	