

# M Management Committee

Business Item

Item: 2009-14

Meeting date: January 14, 2009

For the Metropolitan Council Meeting of January 28, 2009

## ADVISORY INFORMATION

<b>Date:</b>	December 31, 2008
<b>Subject:</b>	Ratification of Declaration of Emergency to contract for Occupational Health/Drug and Alcohol Testing Services
<b>District(s), Member(s):</b>	All
<b>Policy/Legal Reference:</b>	Council Policy 3-3 - Expenditures
<b>Staff Presented:</b>	Connie DeVolder, Manager, HR Occupational Health 612-349-7668; Micky Gutzmann, Manager, Contracts and Procurement 651-602-1741
<b>Division/Department:</b>	Council Wide

### Proposed Action

That the Metropolitan Council ratify the attached *Justification for and Declaration of Emergency* to contract for Occupational Health/Drug and Alcohol Testing Services

### Background

On December 10, 2008 the current service provider, Park Nicollet Occupational Health Services, notified Council staff of their intent to cancel Council contracts 04P121 Drug and Alcohol Testing Services and 06P061 Occupational Health Services. Park Nicollet will continue service through January 10, 2009. The services are critical to guarantee Council employees are in compliance with Council policy, DOT and OSHA regulations and MN State statute.

### Rationale

The Notice of Intent to Terminate service was received from Park Nicollet Occupational Health Services on December 10, 2008 with a Service Discontinuation on January 10<sup>th</sup>, 2009 does not allow time to process a formal advertised Request for Proposal solicitation. The contracts under this Emergency Declaration will be for a period of up to one year. During this one year period a formally advertised solicitation will be conducted to establish a new long term contract for these services.

### Funding

Funding is provided in the HR Annual Operating Budget.

### Known Support / Opposition

No known opposition.

## 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:**

<p>Describe the nature of the emergency situation:</p>	<p>The Council's Occupational Health/Drug and Alcohol Testing provider has made a business decision to no longer offer these services in the Twin Cities area. The provider, Park Nicollet Clinic, informed Council staff of their intent to cancel our contracts on December 10, 2008. Park Nicollet will no longer provide the services effective January 10, 2009.</p>
<p>Explain why this situation is a present, immediate, and existing emergency:</p>	<p>Effective the date of the cancelation, the Council will no longer have the ability to administer the following mandated services as required by law and Council policy and procedure: Reasonable suspicion, post accident, random, return-to-duty and follow-up drug and alcohol testing, return to duty/fitness for duty exams, pre-employment physicals, DOT medical certifications and re-certifications, injury care and medical surveillance screening.</p>
<p>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:</p>	<p>All of the above services are the responsibility of the employer to guarantee that the employees are in compliance with Council policy, DOT and OSHA regulations and MN State law.</p>
<p><b>(Complete reverse side of form and sign)</b></p>	

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<p>Describe the supplies or services which must be acquired to remedy this emergency situation, including the estimated cost:</p>	<p>Services are described above  Estimated cost: \$500,000 is annual cost</p>
<p>Identify how you chose the contractor(s) (Emergency Contractors List, vendor database, etc.):</p>	<p>Providers will be selected based on staff negotiations and the immediate ability to provide the services.</p>
<p>Quotes are not required in declared emergencies. If quotes were obtained, describe your efforts to obtain them:</p>	<p>No quotes were obtained</p>
<p>List the other vendors, if any, that have expressed an interest in providing goods or services relating to this emergency:</p>	<p>While no vendors have expressed interest in providing these services, vendors will be contacted based on Council staff experience.</p>

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: *Connie DeBolder* Title: *HRMgr* Date: *12/16/08*

Signature: *[Signature]* General Manager/Division Director Date: *12/16/08*

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: *[Signature]* Regional Administrator Date: *12-17-08*