

A bill for an act
relating to metropolitan government; limiting use of eminent domain; authorizing
Metropolitan Council best value contracts and procurement for transit vehicles;
amending Minnesota Statutes 2008, section 473.129, subdivision 7, by adding a
subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2008, section 473.129, subdivision 7, is amended to read:

Subd. 7. **Property.** The council may acquire, own, hold, use, improve, operate,
maintain, lease, exchange, transfer, sell, or otherwise dispose of personal or real property,
franchises, easements, or property rights or interests of any kind. The council may not use
eminent domain to acquire easements, property rights, or real property.

Sec. 2. Minnesota Statutes 2008, section 473.129, is amended by adding a subdivision
to read:

Subd. 12. **Best value procurement alternative.** (a) Notwithstanding the provisions
of section 471.345, the council may award a contract for the purchase of transit vehicles
to the vendor or contractor offering the best value under a request for proposals. For the
purposes of this subdivision, "transit vehicles" means buses and coaches, commuter rail
locomotives and coach cars, light rail vehicles, and paratransit vehicles that are used to
provide transit and special transportation service pursuant to sections 473.371 to 473.449.

(b) For the purposes of this subdivision, "best value" describes a result intended in
the acquisition of goods and services described in paragraph (a). Price must be one of
the evaluation criteria when acquiring such goods and services. Other evaluation criteria
may include, but are not limited to, environmental considerations, quality, and vendor or
contractor performance. A best value determination must be based on the evaluation

2.1 criteria detailed in the solicitation document. If criteria other than price are used, the
2.2 solicitation document must state the relative importance of price and other factors.

2.3 **EFFECTIVE DATE.** This section is effective the day following final enactment,
2.4 and applies retroactively from September 1, 2009, to eligible procurement in which the
2.5 Metropolitan Council has issued a request for proposals that complies with this section
2.6 and the deadline for a vendor or contractor to submit a best and final offer is after the
2.7 day following final enactment.

2.8 Sec. 3. **APPLICATION.**

2.9 Section 2 applies in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey,
2.10 Scott, and Washington.