# **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

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#### The 611th Policy Board Meeting Fargo-Moorhead Metropolitan Council of Governments THURSDAY, February 16, 2023 – 4:00 p.m. AGENDA

1. Call to Order and Introductions

a. b. c. d.	Introductions Approve Order and Contents of the Overall Agenda Approve Minutes of the January 19, 2023 Board Meeting Approve February 2023 Bills	Information Item Action Item Action Item Action Item
Cor	nsent Agenda	Action Item
b.	January End of Month Report Metro COG Q4/Annual Report Approval of Auditor Selection	
Reg	ular Agenda	
a. b.	Public Comment Opportunity Metropolitan Transportation Plan Amendment #3 Public Comment Opportunity	Public Input Action Item
c.	2023-2026 Transportation Improvement Program Amendment #4 Public Comment Opportunity	Action Item
d.	STBG Project Prioritization	Action Item
e.	EV Readiness Study RFP	Action Item
f.	Moorhead 20 <sup>th</sup> Street & I-94 Interchange Analysis RFP	Action Item
g.	Performance Measures 2023	Action Item
h.	Safe Streets and Roads for All (SS4A) Action Plan Grant Update	Discussion Item
Adc	litional Business	Information Item

5. Adjourn

4.

2.

3.

REMINDER: The next Metro COG Policy Board Meeting will be held Thursday, March 16, 2023 at 4:00 p.m.

Metro COG is encouraging citizens to provide their comments on agenda items via email to leach@fmmetrocog.org. To ensure your comments are received prior to the meeting, please submit them by 8:00 a.m. on the day of the meeting and reference which agenda item your comments address. If you would like to appear via video or audio link for comments or questions on a regular agenda or public hearing item, please provide your e-mail address and contact information to the above e-mail at least one business day before the meeting.

#### For Public Participation, please REGISTER with the following link:

#### https://us02web.zoom.us/webinar/register/WN gT8CpdBfT7y117VNFoYNxg

#### Red Action Items require roll call votes.

#### Full Agenda packets can be found on the Metro COG Web Site at http://www.fmmetrocog.org

NOTE: Given the participation of Fargo City Commissioners at Policy Board meetings, such meetings may constitute open public meetings of the City of Fargo.

Metro COG is committed to ensuring all individuals, regardless of race, color, sex, age, national origin, disability/handicap, sexual orientation, and/or income status have access to Metro COG's programs and services. Meeting facilities will be accessible to mobility impaired individuals. Metro COG will make a good faith effort to accommodate requests for translation services for meeting proceedings and related materials. Please contact Savanna Leach, Metro COG Executive Assistant, at 701-532-5100 at least five days in advance of the meeting if any special accommodations are required for any member of the public to be able to participate in the meeting.

PLANNING ORGANIZATION SERVING

Fargo, West Fargo, Horace, Cass County, North Dakota and Moorhead, Dilworth, Clay County, Minnesota

# 610th Policy Board Meeting Fargo-Moorhead Metropolitan Council of Governments Thursday, January 19, 2023 – 4:00 pm

#### Members Present:

Brent Duane Chuck Denise	Behm Breitling Hendrickson Kolpack	Moorhead Planning Commission (alt for Steve Lindaas) Cass County Commission Moorhead City Council Fargo City Commission
Jenny	Mongeau	Clay County Commission
Julie	Nash	Dilworth City Council
Brad	Olson	West Fargo City Commission
Dave	Piepkorn	Fargo City Commission
Arlette	Preston	Fargo City Commission
Art	Rosenberg	Fargo Planning Commission (alt for John Gunkelman)
John	Strand	Fargo City Commission
Scott	Stofferahn	Fargo Planning Commission (alt for Rocky Schneider)
Jeff	Trudeau	Horace City Council
Deb	White	Moorhead City Council
Bob	Walton	NDDOT – Fargo District (ex-officio)

#### Members Absent:

Amanda	George	West Fargo City Commission
John	Gunkelman	Fargo Planning Commission
Steve	Lindaas	Moorhead City Council
Rocky	Schneider	Fargo Planning Commission
Maranda	Tasa	Fargo Planning Commission
Shiloh	Wahl	MnDOT – District 4 (ex-officio)

#### Others Present:

Adam	Altenburg	Metro COG
Paul	Bervik	Metro COG
Tim	Burkhardt	Alliant, Inc
Jaron	Capps	Metro COG
Ari	Del Rosario	Metro COG
Dan	Farnsworth	Metro COG
Cindy	Gray	Metro COG
Sharijad	Hasan	NDSU/ATAC/UGPTI
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Anna	Pierce	MnDOT

#### 1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, <u>convened</u> The meeting was called to order at 4:00 pm, on January 19, 2023 by Vice Chair

The meeting was called to order at 4:00 pm, on January 19, 2023 by Vice Chair Hendrickson, noting a quorum was present. Introductions were made.

#### 1b. Election of Metro COG Chair and Vice Chair

Vice Chair Hendrickson asked if there was a nomination for the rotation of Policy Board Chair and Vice Chair. Ms. Gray explained that according to the current rotation set by the Bylaws, the Executive Committee members from Moorhead and Cass County are to become the Chair and Vice Chair, respectively.

MOTION: Nominate Chuck Hendrickson (Moorhead) as Chair and Duane Breitling (Cass County) as Vice Chair for Metro COG Policy Board 2023. Ms. Mongeau moved, seconded by Mr. Breitling MOTION, passed Motion carried unanimously

#### 1c. Approve Order and Contents of Overall Agenda, approved

Chair Hendrickson asked for approval for the overall agenda.

MOTION: Approve the contents of the Overall Agenda of the January 19, 2023 Policy Board Meeting. Mr. Breitling moved, seconded by Ms. Preston MOTION, passed Motion carried unanimously.

#### 1c. Past Meeting Minutes, approved

Chair Hendrickson asked for approval of the Minutes of the December 15, 2022 Meeting. Ms. Kolpack said that she was in attendance.

MOTION: Approve the December 15, 2022 Policy Board Meeting Minutes. Ms. Kolpack moved, seconded by Mr. Rosenberg MOTION, passed Motion carried unanimously.

#### 1d. Monthly Bills, approved

Chair Hendrickson asked for approval of the January 2023 Bills as listed on Attachment 1d.

MOTION: Approve the January 2023 Bills List. Mr. Strand moved, seconded by Mr. Behm MOTION, passed Motion carried unanimously.

#### 2. CONSENT AGENDA

Chair Piepkorn asked for approval of Item a on the Consent Agenda.

a. December 2022 Month End Report

MOTION: Approve Items a on the Consent Agenda. Ms. Preston moved, seconded by Ms. Kolpack MOTION, passed Motion carried unanimously.

#### 3. REGULAR AGENDA

#### 3a. Public Comment Opportunity

No public comments were made or received.

#### 3b. 2023-2026 Transportation Improvement Program Amendment #3

Mr. Bervik presented Amendment #3 to the Metro COG 2023-2026 Transportation Improvement Program (TIP). A public notice was published in The Forum of Fargo-Moorhead on Wednesday, January 4, 2023, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised that any public comments will be accepted until 12:00 p.m. (noon) on Thursday, January 19, 2023. No comments have been received.

The proposed amendment to the 2023-2026 TIP is as follows:

- Modification of Project 5230001: Purchase of AVA/AVL System (2023) for fixedroute transit vehicles by Moorhead Transit. The project cost increased by 20%. The project description was also updated
- 2. **Modification of Project 5230002:** Purchase of paratransit scheduling software (2023) by Moorhead Transit. The project cost increased by 20%.
- 3. **Modification of Project 7220005:** Construction of a shared-use path in Horace, ND (2023). NDDOT requested the cost estimate and federal/local breakdown be updated to be consistent with the most recent engineer's estimate. Lead Agency and Metro COG ID are updated from Cass County to City of Horace.
- 4. Modification of Project 7220006: Third-phase of construction of a shared-use path along County Road 17 in Horace, ND (2023). NDDOT requested the cost estimate and federal/local breakdown be updated to be consistent with the most recent engineer's estimate. Lead Agency and Metro COG ID are updated from Cass County to City of Horace.
- 5. **Modification of Project 9162667:** Rehabilitation of 10.9 miles of 1-94W with a thin mill and overlay from East of Casselton to near Fargo (2023) by NDDOT. The project cost increased by 55.9%.
- 6. **Modification of Project 9231003:** Pavement marking (2023) within NDDOT Fargo District. The project cost increased by 48.2%.
- 7. **Modification of Project 5210020:** Construction of transit hub improvements at Walmart in Dilworth, MN (2023) by Moorhead Transit. Change in project description.
- 8. **Modification of Project 9210005:** Installation of High-Tension Cable Median Guardrail along I-29 from County Road 20 to south of Argusville (2024) by NDDOT. The project year shifted from 2023.
- Modification of Project 9220039: Installation of High-Tension Cable Median Guardrail along I-29 from south of Argusville to Gardner (2024) by NDDOT. The project year shifted from 2023.
- 10. **Modification of Project 9221002:** Installation of a Wrong Way Detection System on I-29 at Exist 69 (2024) by NDDOT. The project year shifted from 2023.

- 11. **Modification of Project 9221004:** Upgrading lighting to LEDs at various locations throughout Fargo District (2024) by NDDOT. The project description was updated.
- 12. **Modification of Project 9221005:** Rehabilitating the shoulder of ND 46 (2026) by NDDOT. The project year shifted from 2025.
- 13. **New Project 5233024**: Purchase of an Advanced Traffic Management Software (ATMS) and a computer and screens to monitor the system for Moorhead, MN (2023) by City of Moorhead.
- 14. **New Project 5233025**: Construction of transit hub improvements at Walmart in Dilworth, MN (2023) by Moorhead Transit.
- 15. **New Project 8233026**: Improving interchange lighting on I-94 at exits 22, 24, 32, 38, 56, 67, 77(2024) by MNDOT.
- 16. New Project 9233027: Rehabilitating the bridge deck of the Cass County Legal Drain 14 crossing on 37<sup>th</sup> Street NE (2023) by NDDOT.
- 17. **New Project 9233028:** Rehabilitating the bridge deck, approach slab and guardrail of the I-29 and ND46 interchange (2026) by NDDOT.
- 18. **New Project 9233029:** Rehabilitating the bridge decks with an over lay and spall repair on the swan creek and I-94 bridges (2026) by NDDOT.
- 19. New Project 9233030: Rehabilitating two bridges with new coatings (paint crack sealing, and bridge deck seal) on I-29 at the interchanges of ND 46 and I-94 (2026) by NDDOT.

Ms. Gray explained that two of the proposed amendments would fall under the new Carbon Reduction Program (CRP). Based on guidance from MnDOT, Metro COG is collaborating with Moorhead Transit and Moorhead Engineering to assist in the documentation of information to ensure that the use of Carbon Reduction Program (CRP) funds meets eligibility requirements and is consistent with Minnesota's carbon reduction priorities.

Moorhead's proposed CRP projects include a transit transfer hub (i.e. depot) and shelter on the north side of Walmart in Dilworth and the purchase of Advanced Traffic Management Software (ATMS) software and associated computer equipment to run the software.

Projects eligible for CFP funding include those that are eligible under 23 U.S.C.142. Based on 23 U.S.C. 142: Public Transportation, transit shelters and depots are eligible projects. The facility proposed for Dilworth would serve as both a transfer station and as a shelter. The ATMS software is also eligible, as reduction in congestion and idling vehicles yields reduction in carbon production.

MOTION: Approve Amendment #3 of the Metro COG 2023-2026 Transportation Improvement Program (TIP). Mr. Breitling moved, seconded by Ms. Kolpack. MOTION, passed Motion carried unanimously.

#### 3c. FM Metro Bicycle & Pedestrian Plan

Mr. Farnsworth presented the FM Metro Bicycle & Pedestrian Plan Update for 2022. Every five years Metro COG, in cooperation with the local jurisdictions, updates the Bicycle & Pedestrian Plan.

This plan was guided by a 23-member study review committee with representation from local jurisdictions, parks departments, local health agencies, citizens, and more. Public engagement was also held twice throughout Plan's development. Upon completion of the final plan, presentations were made to all local elected bodies and some planning commissions. The plan has received broad support.

MOTION: Approve the FM Metro Bicycle and Pedestrian Plan Ms. Kolpack moved, seconded by Ms. Preston. MOTION, passed Motion carried unanimously.

MOTION: Approve the Resolution of Support for the FM Metro Bicycle and Pedestrian Plan Mr. Breitling Moved, seconded by Mr. Behm Motion carried unanimously

#### 3d. FM Regional ITS Architecture Plan

Mr. Farnsworth and Mr. Hasan presented the FM Regional Intelligent Transportation Systems (ITS) Architecture Plan update.

They explained that ITS uses technology and communication to improve traffic flow, improve transportation safety, and notify roadway users of current traveling conditions. Such ITS in our region can include dynamic message signs, traffic signal coordination, emergency vehicle preemption, and more.

Mr. Farnsworth described ITS architecture as the blueprint which displays and coordinates the existing and proposed connectivity and interaction of all ITS components in an area or region. The goal of the Fargo-Moorhead Regional ITS Architecture is to guide the implementation of ITS systems and coordinate funding, development, information sharing, and operations of ITS systems in the region. This plan utilizes the latest national standard for ITS architecture (ARC-IT 9.1).

Mr. Farnsworth explained that this plan was guided by the Fargo-Moorhead Metropolitan Traffic Operations Working Group which consists of local and state traffic engineers and other applicable stakeholders. In addition, regional stakeholders were contacted to better identify needs and issues and inform the contents of this plan.

This is the fourth F-M Regional ITS Architecture Plan update, with the last update occurring in 2014.

MOTION: Approve the FM Regional ITS Architecture Plan Mr. Behm moved, seconded by Ms. Kolpack MOTION, passed Motion carried unanimously.

#### 3e. Metropolitan Transportation Plan Request for Proposals

Mr. Maddox presented the Metropolitan Transportation Plan (MTP) 2050 request for proposals.

Metro COG is responsible to provide a long-range, fiscally constrained listing of multimodal transportation needs within the FM area and establish a 3C planning process to identify, prioritize, study, and program funding for those identified needs. The Metropolitan Transportation Plan (MTP) is required to be updated every five years, and has a planning horizon of twenty-five years.

The Census Bureau released the 2020 Census Urbanized Area populations in December 2022. The Fargo Moorhead Region has now officially surpassed the 200,000-population threshold, and as such will become a Transportation Management Area (TMA) in federal fiscal year 2024 (October 1, 2023). The 2050 MTP must include all required elements to facilitate a smooth transition to TMA status.

Metro COG has set a budget of \$400,000 for this project.

Mr. Behm asked what kinds of consultants are pre-qualified for an RFP like this. Mr. Maddox said that Metro COG does not have a list of pre-qualified consultants, and is open for any proposals from consultants, as long as they meet the NDDOT's requirements.

Ms. White suggested that public participation efforts could include kid-friendly events, as this would likely encourage more public attendance.

MOTION: Approve the Metropolitan Transportation Plan Request for Proposals Ms. White moved, seconded by Mr. Behm MOTION, passed Motion carried unanimously.

#### 3f. Performance Measures Update

Mr. Del Rosario presented the upcoming Performance Measures Update.

Metro COG is currently in the process of collecting and analyzing the performance data and plans to continue supporting the performance targets established by each respective state as explained above. Metro COG will be seeking a recommendation to adopt its MPO targets at next month's February ITC meeting. In years previous, TTC has recommended to Policy Board to support the performance targets established by each respective state. This has meant the adoption of MnDOT's Performance Measure targets for the Minnesota portion of the MPA and the adoption of NDDOT's Performance Measure targets for the North Dakota portion of the MPA.

#### 4. Additional Business

Ms. Gray asked that the Policy Board members to look for a Title VI/EEO survey via email, as Metro COG is updating its Title VI/LEP Plan in 2023.

#### 5. Adjourn

The 610th Meeting of the FM Metro COG Policy Board held Thursday, January 19, 2023 was adjourned at 5:17 pm.

# THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD February 16, 2023, 4:00 P.M.

Respectfully Submitted,

Savanna Leach Executive Assistant



# 2022 Annual Report

Approved XXX

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# 2021 Staff Activities by UPWP Work Element

\*\*Budget amounts as adjusted in 2021-2022 Amendment #7

# **100 POLICY AND ADMINISTRATIVE FORUMS**

2022 Budget	Amount Billed	Percent Billed
\$62,500	\$60,268.11	96.4%

#### 101 – Metro COG Policy Board

#### Status: 100% Complete.

- Attended staff meetings regarding preparation of the Policy Board agenda
- Prepared Agenda and Packet Materials for, presented at, and participated in monthly Policy Board meetings
- Prepared power point presentations for Policy Board meetings
- Coordinated with consultants and local or State DOT staff regarding presentations to the Policy Board
- Recorded and prepared minutes from previous Policy Board Meetings
- Recorded voting actions, roll call votes, and voting outcomes
- Updated board, alternate, and ex-officio members list, email contacts, and information as necessary after new appointments were made
- New member orientation discussions
- Scheduling and advertising of 2023 Policy Board meeting schedule
- Prepared for and presented annual staff salary and benefits presentation

#### 102 - Metro COG Executive Committee

#### Status: 100% Complete.

- Scheduled and facilitated Executive Committee meetings
- Prepared Agenda and Packet materials for Executive Committee
- Recorded and prepared minutes from previous EC meetings
- Recorded voting actions and outcomes
- Updated Executive Committee membership and information as necessary
- Scheduling and notification of Executive Committee meetings

#### 103 – Transportation Technical Committee

#### Status: 100% Complete.

- Attended staff meeting regarding preparation for TTC meeting agendas, packets and presentation materials
- Prepared Agenda and Packet Materials for, presented at, and participated in monthly TTC meetings
- Prepared power point presentations for the TTC meetings
- Coordinated with consultants and local or State DOT staff regarding presentations to the TTC
- Recorded and prepared minutes from previous TTC Meetings
- Recorded voting actions, roll call votes, and voting outcomes
- Updated committee, alternate, and ex-officio members list and information as necessary

#### 104 – Federal, State, and Local Committee Meetings

#### Status: 100% Complete.

• Q1: MnDOT District 4 Freight Plan meetings; North Dakota Freight and Rail Plan meetings; Participated in six meetings with FHWA and NDDOT regarding Metro COG's transition to a Transportation Management Area (TMA); Met with the City of Fargo, the City of West Fargo and the City of Horace regarding the TMA transition; Met with NDDOT and other MPO Executive Directors on multiple occasions in preparation

for a presentation at the ND Transportation Conference. Metro COG was responsible for most of the power point content; Presented with The Forks and Bis-Man MPOs at the ND Transportation Conference on March 1, 2022; Met with MnDOT regarding SMTP, MnSHIP and TAMP; Met with MnDOT regarding State Rail Plan Initial Stakeholder input; Minnesota MPO Directors' Q1 meeting with MnDOT; Onward Moorhead Draft Plan input meeting; SW Metro Check-in Meeting; RAISE Grant meetings with MnDOT and City of Moorhead to coordinate application submission; North Dakota MPO Directors Q1 Meeting with NDDOT; Central Minnesota ATP Meeting; MnDOT / MPO meeting regarding rail crossing safety; Attended Fargo Open Spaces & Trails meeting on January 11<sup>th</sup>; MnDOT meeting with Metro COG regarding statewide plans; Participated in MnDOT Rail Plan meeting; Southwest Metro Coordination Meeting; Participated in Main Ave reconstruction meeting on February 22<sup>nd</sup>; Attended Fargo Open Spaces & Trails meeting on March 8th

- Q2: Attended Fargo PWPEC meeting on April 11<sup>th</sup>; Attended Fargo PWPEC meeting on May 23<sup>rd</sup>; Attended Fargo Open Spaces & Trails meeting on May 10<sup>th</sup>; Participated in NDDOT I-29 Safety Corridor meeting; Participated in NDDOT Electric Vehicle Stakeholder Meeting; Southwest Metro Coordination Meeting; Participated in annual MnDOT traffic counting meeting; Participated in Main Ave Meeting with NDDOT and City of Fargo
- Q3: Central Minnesota ATP Meeting; Carbon Reduction Program Sub-Working Group Meeting with MnDOT; MnDOT State Freight and Rail Plan Meeting; Red River Valley Alliance Meeting; Public Works Project Evaluation Committee (City of Fargo) meeting regarding the 2<sup>nd</sup> Avenue Bridge over 2<sup>nd</sup> Street N (Urban Grant Program project); Attended Fargo PWPEC meeting; Attended Fargo Open Spaces & Trails meeting; Southwest Metro Coordination Meeting; Participated in Main Ave Meetings with NDDOT and City of Fargo
- Q4: Participated in the MRSI Funding Webinar on November 9; Attended the Fargo Sustainability and Resiliency Committee Meeting on November 22; Attended Fargo Open Spaces & Trails meeting on November 8<sup>th</sup>; Attended Downtown Fargo InFocus meeting; Southwest Metro Coordination Meeting and preparation for meeting; Participated in Main Ave Meetings with NDDOT and City of Fargo; Met with local jurisdictions in November to get an idea of development patterns for jobs and households; Attending City of Fargo 2nd Street Pedestrian Bridge Public Input Meeting; Watching City of Fargo City Council Meeting; Attending City of Fargo Planning Commission Meeting on 12/8/2022; Prepared for, traveled to/from, and attended ND MPO Director meeting in Bismarck; participated in Urban Grant Program Selection Committee; Attended MnDOT's Carbon Reduction Program sub-work group meetings; Attended MN MPO Director quarterly meeting; MnSHIP meeting with MnDOT

# **200 CONTRACTED PLANNING SERVICES**

2022 Budget	Amount Billed	Percent Billed
\$136,000	\$129,550.81	95.3%

#### 202 – Veterans Boulevard Corridor Feasibility Study (Carryover)

#### Status: 100% Complete.

- Q1: Metro COG worked with the consultant in finalizing the study report, presenting to the local jurisdictions of Cass County, Fargo, Horace, as well as Metro COG's TTC and Policy Board. Metro COG staff also reviewed consultant invoices and closed-out the project, which included the consultant evaluation process
- Q2: The Veterans Blvd Corridor Extension Study was completed in the first quarter of 2022. The only work done in the second quarter of 2022 was review and approval of the final invoice.

#### 206 – Moorhead Intersection Data Collection (Carryover)

#### <u>Status: 100% Complete.</u>

\*\* Project tied into 2022-224: Moorhead Intersection Data Collection (2022-2024)

#### 210 - ATAC Review/Adjustments to Household & Job Data

#### <u> Status: 100% Complete.</u>

- Q1: Met with ATAC staff to discuss household and job data and identified issue with the Minnesota data that will require follow-up.
- Q2: ATAC began their review of base year job and household data.
- Q3: No activities recorded in the third quarter
- Q4: No activities recorded in the fourth quarter

#### 212 – Bicycle & Pedestrian Plan Update

#### Status: 50% Complete.

- Q1: Metro COG staff coordinated with the consultant in project logistics through regular progress calls and check-in meetings. A Study Review Committee (SRC) meeting occurred on February 1st and coordination of the second phase of public engagement coordinated. Metro COG staff also reviewed monthly invoices, progress reports, technical memos, maps, and online materials.
- Q2: Metro COG staff coordinated with the consultant in project logistics through regular progress calls and check-in meetings. The second public engagement period occurred in April of 2022 which included two virtual public open houses. Metro COG staff reviewed month invoices and progress reports, draft documents, and draft maps.
- Q3: Metro COG staff coordinated project logistics with consultant through regular progress calls, checkin meetings, and invoice review. Draft report was completed during the third quarter and review and jurisdictional coordination of the draft report occurred. This also included notifications to the public of the draft report.
- Q4: Metro COG staff reviewed monthly invoices and progress reports as well as the final draft plan. Metro COG staff also provided presentations of the final draft plan to local jurisdictions.

#### 213 – DTA Analysis of Select Locations (ATAC)

#### Status: 100% Complete.

- Q1: Discussed DTA use for construction staging and preparation
- Q2: ATAC completed a small amount of model refinement during this past quarter.
- Q3: Project completed

#### 214 – Interstate Operations Analysis

#### <u>Status: 77% Complete.</u>

- Q1: During the first quarter of 2021, Metro COG reviewed various components of the interstate operations analysis, including early results of the ring route analysis, 2045 ADT projections on the interstate system, crash and safety data, travel reliability/speed data, and conceptual improvements to consider for further analysis. Metro COG staff participated in SRC meetings, project progress meetings, and focus group meetings.
- Q2: A Study Review Committee meeting was held, and follow-up meetings were scheduled with Moorhead, Fargo, and West Fargo. The meeting with Moorhead occurred in Q2. Further ring route analyses were carried out and the microsimulation model was established. Short- and long-range alternatives were prepared for consideration by the SRC.
- Q3: An SRC meeting and focus group meetings were held in Q3 to review proposed interstate and TSMO improvements aimed at reducing congestion and operational issues. A draft ring route summary was submitted for review, along with several meeting summaries. Bi-weekly meetings were held to discuss project progress and plan for the SRC and focus group meetings. Follow-up meetings were held with the consultant and local staff to get further input and feedback regarding the future improvements recommended by the consultant. Further coordination with MnDOT and Moorhead was scheduled near the end of the quarter to address input regarding I-94 between the Red River and MN 336.

• Q4: During this time, Metro COG and the consultant continued to work on refining alternatives and had one-on-one meetings with individual jurisdictions, MnDOT and NDDOT to discuss the alternatives and phasing planned for short term projects already programmed.

# 215 – Moorhead Intersection Traffic Data Collection Status: 0% Complete.

\*\*Project tied into 2022-224: Moorhead Intersection Data Collection (2022-2024)

#### 216 – Fargo Transportation Plan

#### <u>Status: 100% Complete.</u>

- Q1: Staff worked with the consultant to address transportation policy that will be incorporated into the plan. Staff also worked with the consultant to develop context sensitive roadway cross sections that integrated multimodal transportation options.
- Q2: Staff worked with the consultant to amend the contract to adjust the scope of work for the project to incorporate new work tasks. This included meeting with the all parties involved in order to negotiate scope items and work through the approval process.
- Q3: Staff worked with the consultant to bring forward the amended scope of work through the approval process. The project was relaunched with a series of meetings to talk about the individual components of the new scope of work and to work out expectations for those work products. Meetings with the consultant as well as elected and appointed officials were conducted. Staff reviewed monthly invoices.
- Q4: Staff reviewed the draft roadway typology map that was provided by the consultant as well as reviewed the roadway typology framework. Staff worked with the consultant to set up a SRC meeting that would further the scope items included in the project amendment. Staff met with the consultant periodically to discuss project administration and issues that arose

#### 217 – Red River Greenway Study

#### Status: 85% Complete.

- Q1: During the first quarter of 2022, Metro COG worked closely with the consultant to keep the project moving forward. Metro COG gathered and sent background information and geospatial data to the consultant for base mapping, opportunities and constraints, and issue identification. Stakeholder meetings were held on January 11th and 12th. The first Study Review Committee (SRC) meeting was held on January 12th. A summary of stakeholder meetings was put together by the consultant and preliminarily reviewed by Metro COG. Metro COG provided input and direction on the public engagement website and helped organize pop-up events in preparation for the first major round of public input. Other work included general project management tasks such as internal project coordination and organization, monthly progress meetings with the consultant project manager (January 4th, January 18th, February 1st, February 15th, March 3rd, March 16th, March 29th), and other project coordination & communication as needed.
- Q2: Gathered Parcel data within the Red River Greenway Study Corridor from Cass County, and removed duplicate data for each year; 2003 – 2021; Gathered Flood Buyouts from the City of Fargo, and performed analysis to determine when the buyouts occurred. This was achieved through changing the symbolic attributes of the shapefile through targeted years; Created a Digital Elevation Model to illustrate a moderate flood for the entirety of the study area – this was not presented to the consultant and scrapped; Ari and I did the Red River Greenway tour to get a better understanding of current conditions along the corridor; On June 7<sup>th</sup>, met with Confluence to present data and discuss next steps; Aided in public input events: June 14<sup>th</sup>, June 21<sup>st</sup>, and June 23<sup>rd</sup>; Regular meetings with project consultant; Organizing and attending the first round of public engagement pop-up events including the Fargo Birding Festival (05/14/22) and Lindenwood Park (06/21/22); Site visits along the corridor

(05/27/22); Review of deliverables, including the Social Pinpoint online public input site; Reviewing consultant and subconsultant invoices

- Q3: Worked on Existing Conditions task; Project kickoff meeting; Study Review Committee coordination; Site visit at Glyndon School; Plan template; School arrival & dismissal observations; Coordinated and provided surveys to schools; Meeting with DGF staff to discuss Elementary school plans
- Q4: Regular meetings with project consultant; Meeting with Horace to review proposed trail alignments (10/05/22); Review of draft document; Sending out draft to the SRC, interested stakeholders and the public for feedback; Reviewing consultant and subconsultant invoices; Website updates

#### 218 – NDSU ATAC Participation

#### Status: 100% Complete.

- Q1: Entered into five addendums with ATAC based on the master contract.
- Q2: On-going technical and administrative coordination with ATAC and setting up quarterly meetings.
- Q3: The summer/fall coordination meeting with ATAC, the MPOs, and NDDOT occurred in September; Prepared draft methodology for TAZ allocation in TDM model development
- Q4: On-going technical and administrative coordination with ATAC and setting up quarterly meetings; executing contracts for addendums; Coordinated with ATAC as a participant in the Smart Cities Grant Application.

# 219 – Dynamic Traffic Assignment Analyses (ATAC)

#### <u>Status: 5% Complete.</u>

- Q1: Discussed DTA use for construction staging and preparation
- Q2: On-going coordination with ATAC
- Q3: Metro COG and ATAC discussed different approaches of using DTA. Options included the roadway construction scheduled in Moorhead over the next 10 years, and how to approach an issue that came up from the City of Fargo regarding shaping police beats based on travel time.
- Q4: ATAC began evaluating use of DTA on a future scenario involving Main Avenue construction west of University Drive. Other alternatives considered for DTA work include the I-94 reconstruction between Sheyenne Street and Main Avenue through West Fargo, in conjunction with several other construction projects that will be underway in the southwest growth area during the construction season of 2023.

# 220 – ITS Update (ATAC)

#### Status: 10% Complete.

- Q1: Metro COG reviewed the project's scope of work and coordinated with ATAC for a project kickoff meeting which occurred on March 7th. Metro COG also coordinated with ATAC and reached out to local jurisdictions to create a project Advisory Group and a list of Stakeholders.
- Q2: Metro COG staff coordinated project logistics with ATAC which included review of project materials, and the development of Advisory Group and stakeholder group members. An Advisory Group meeting was held in June of 2022 and a series of stakeholder meetings were held in April and May of 2022.
- Q3: Metro COG staff coordinated project logistics with ATAC which included review of project materials, and coordination between ATAC, Metro COG, and stakeholders.
- Q4: Metro COG staff reviewed and provided comments on the final draft plan as well as solicited comments from stakeholders. Metro COG staff also coordinated final presentation of plan to TTC and Policy Board.

#### 221 – Demographic Forecast Update

#### <u>Status: 100% Complete.</u>

- Q1: Metro COG assisted with preparation for SRC meetings on January 6 and February 14. Metro COG also assisted with script development and edits for a public outreach video, reviewed the consultant's methodology tech memo, and provided draft projection revisions based on conversations with jurisdictions as well as internal analyses.
- Q2: Metro COG worked with the consultant to provide adjustments and corrections to the draft document. Metro COG also spent considerable time on QA/QC of projections developed for the report and developed substantial revisions and missing analyses for the forecast update.
- Q3: Metro COG continued to work internally on adjustments and corrections to the draft document submitted to Metro COG at the end of June. Metro COG also spent additional time on QA/QC of population, household, and employment projections developed for the report and developed substantial revisions and missing analyses for the forecast update. Metro COG continued work on further analysis of past demographic forecasts, explanation of model inputs and variables, calibration to local growth plans and trends, and additional analysis of smaller communities.
- Q4: Metro COG completed and finalized the Demographic Forecast Update in October, with final approval by Metro COG's Policy Board in November. Metro COG also developed a short two-page document with explaining demographic highlights and trends

# 222 – Travel Demand Model (TDM) Update (ATAC)

#### Status: 85% Complete.

- Q1: Metro COG is working with ATAC on updating TAZ boundaries; Met with ATAC one time to kick the project off
- Q2: Metro COG staff printed off maps with census blocks, tracks, railroads, and other barriers to create new TAZs for the Metro and updated TAZ boundaries in shape files; In quarter two, Metro COG staff also provided ATAC with requested traffic counts, TIP project information, and other applicable information needed to begin the Travel Demand Model Update. Staff participated in meetings with ATAC regarding the 2050 travel demand model.
- Q3: ATAC worked with Metro COG and the data purchased from Data Axle to review 2021 jobs and households and assign them to TAZs. QAQC of the data was conducted. Data was submitted to Metro COG for review; Metro COG staff coordinated 2021 traffic count data with ATAC and MnDOT.
- Q4: Metro COG staff continued to work on future job and household numbers for 2050 and coordinated with ATAC on confirmation of 2021 baseline jobs and households. ATAC began work on calibrating the 2021 base year model.

# 223 – TH10 Corridor Study Through Dilworth

#### <u>Status: 75% Complete.</u>

- Q1: This project kicked off in the first quarter of 2022. Staff interviewed consultants, finalized the scope of work, and entered into a contract for completion of the study. The first SRC was held, where data collection plans were formalized and preliminary issues identified. A data gathering initiative was commenced.
- Q2: The consultant prepared the existing conditions report which was reviewed by the SRC and Metro COG. Staff worked with the consultant to set up the first round of public engagement. Multiple SRC meetings were conducted.
- Q3: Staff and the consultant met with project stakeholders BNSF and Minnesota State Patrol to talk about Corridor issues. The land use component of the study was kicked off during the third quarter. Future conditions, including: Origin/Destination, traffic volumes, desired roadway characteristics in each zone, etc. were determined. Staff and the consultant worked together on identifying intersection treatments that will be brought forward for consideration.
- Q4: The consultant developed alternative corridor concepts which were reviewed by staff and brought forward for public comment. Staff worked with the consultant to set up stakeholder and public engagement meetings as well as to refine the concepts forwarded through alternatives. Staff

continued discussions with BNSF, MnDOT, and the City of Dilworth on the future grade separation of 14th Street

# 224 – Moorhead Intersection Data Collection

#### <u> Status: 10% Complete.</u>

- Q1: The project kickoff meeting occurred on March 18th. Metro COG coordinated with the City of Moorhead and ATAC in camera setup for the study intersections.
- Q2: Metro COG staff coordinated project logistics with ATAC and the City of Moorhead. Metro COG and the City of Moorhead worked together in setting up/taking down traffic counting cameras, downloading the video, and reviewing the video. In addition, coordination meetings occurred during the second quarter of 2022.
- Q3: Metro COG staff coordinated project logistics with ATAC and the City of Moorhead. This included progress calls with ATAC, coordination of intersection turning movement counts, and Metro COG staff counting one of the project intersections on ATAC's behalf.
- Q4: Metro COG staff coordinated project logistics with ATAC and the City of Moorhead, which included sending turning movement counts to ATAC. The work associated with the first year of this three-year project contract was completed in the fourth quarter of 2022.

#### 225 – University Drive & 10<sup>th</sup> Street One-Way Pair Study

#### Status: 55% Complete.

- Q1: This project kicked off in the first quarter of 2022. Staff interviewed consultants, finalized the scope of work with the consultant, and entered into a contract for completion of the study. One preliminary mini-SRC was conducted with local jurisdictions to solidify the start of the project and set the direction of the effort. A data gathering initiative was commenced.
- Q2: Staff worked with the consultant to set the official branding for the project. Staff also worked with the consultant to define the first round of public engagement. The consultant conducted an existing condition review and conducted data gathering efforts.
- Q3: Staff reached out and spoke to neighborhood associations that border the corridor. Staff met with the consultant multiple times and initiated discussions on how feasibility of one-way operations versus two-way operations is determined. The bulk of the first outreach effort was conducted in the third quarter. Metro COG collected and analyzed speed data on the corridor.
- Q4: The consultant developed alternative corridor concepts which were reviewed by staff and brought forward for public comment. Staff worked with the consultant to set up stakeholder and public engagement meetings as well as to refine the concepts forwarded through alternatives. Staff continued discussions with BNSF, MnDOT, and the City of Dilworth on the future grade separation of 14th Street

#### 226 – 25<sup>th</sup> Street South Corridor Study

- Q1: This project was kicked off in the first quarter of 2022. Staff interviewed consultants, finalized the project scope of work, and conducted a meeting to finalize the traffic data collection methodology. Staff worked with the consultant and local jurisdictions to provide relevant datasets to the consultant for use in the study.
- Q2: The first round of public engagement was planned and conducted in the second quarter. The consultant also prepared the existing conditions report which was released to the SRC and Metro COG staff. Multiple SRC meetings were conducted. Staff reached out to stakeholders along the corridor.
- Q3: The consultant started into the analysis of future corridor conditions. Multiple SRC meetings were conducted to talk about corridor alternatives and intersection treatments that would be considered for analysis. Staff asked the consultant to verify travel trends for areas on the corridor through a Streetlight OD analysis.

• Q4: The consultant developed corridor alternatives that were reviewed by staff and brought forward to the SRC. The SRC carried those alternative forward, but asked the consultant to prepare a mixed alternative incorporating different parts of each of the alternatives. The consultant also prepared intersection alternatives. Staff worked with the consultant to set up public engagement for the alternatives

# **300 FEDERAL TRANSPORTATION PLANNING DOCUMENTATION**

2022 Budget	Amount Billed	Percent Billed
\$ 129,500	\$119,886.08	92.6%

#### 301 – Transportation Improvement Program (TIP) Status: 100% Complete.

- Q1: MnDOT District 4 TA Project Selection Committee meeting; Coordinated with local and state government agencies regarding TIP projects, TIP language, and TIP schedule; Prepared for and processed Administrative Adjustment #1 of the 2022-2025 TIP; Prepared for and processed Amendment #1 of the 2022-2025 TIP; Prepared for and processed Amendment #2 of the 2022-2025 TIP; Prepared for and processed Amendment #3 of the 2022-2025 TIP; Updated TIP webpage; Conducted research and coordinated on IIJA/BIL; Conducted research and coordinated on TMA designation and TIP implications
- Q2: Began to put together the draft 2023-2026 TIP project listing and coordinated with local jurisdictions; Continued to update the 2022-2025 TIP amendments, verifying changes as they came in from NDDOT and MnDOT, and sending them out for TTC review and Policy Board approval; Coordination with NDDOT and MnDOT to ensure that the projects listed in the TIP match the respective STIPs – included virtual meetings with MnDOT staff (06/20/22); Transportation Alternatives (TA) grant solicitation coordination; Sent public notices to the Forum on: April 28th, May 26th, June 29<sup>th</sup>; Sent letters to cognizant agencies on: April 26th, May 20th, and June 21<sup>st</sup>; Collaborated with Ari on new TIP amendments for May, June, and July; Discussion on the new 2023-2026 TIP by going through NDDOT and MnDOT STIPs; Created shapefiles for 2023 – 2026 projects; Created Draft Maps for the 2023 – 2026 Draft TIP; Updated Environmental Justice Maps; Updated Locally Funded and Illustrative Maps; Updated our website with the latest TIP information
- Q3: Sent public notices to the Forum on: July 30<sup>th</sup>; Sent letters to cognizant agencies on: August 2nd, August 22nd, and September 19<sup>th</sup>; Collaborated with Ari on new TIP amendments for May, June, and July; In July, aided in the creation of the draft TIP through the creation of various maps: MPA TIP Projects, UZA TIP Projects, Projects broken down by year, and Environmental Justice Projects; Updated shapefiles for 2023 2026 projects; Aided in the coordination with local jurisdictions to determine changes for TIP Projects; Updated our website with the latest TIP information; Aided with the August 22nd Public Open House; Reading the 2022 Transportation Improvement Plan (TIP); Updating the 2023 TIP document; Meeting with Metro COG staff; Coordinating with the jurisdictions; Planning for TIP public input meeting; Reviewing TIP dashboard; Reading about Carbon Reduction funding source; Reading about PROTECT funding source; Coordinating with Cindy, Dan, Michael, and NDDOT to develop project tracking software; Preparation for and attending Public Open House on August 22<sup>nd</sup>; Researching other MPO's TIP; Researching other MPO's solicitation process for STBG and CRP; Updating and automating TIP Project List and Tables; Researching TIP Project Tracking App; Creating TIP Project Tracking App
- Q4: Assisted with checking TIP amendments; Website updates; Transportation Alternatives (TA) grant solicitation coordination & review; Reviewed bicycle & pedestrian projects in TIP; Meeting with Metro COG staff; Coordinating with the jurisdictions; Creating STBG solicitation application packet, Coordination, Documentation, and presenting Amendment #1 and #2 to TTC and Policy Board; Coordination of Amendment #3; Updating TIP Project Tracking App; Reviewing MNDOT STIP and NDDOT STIP for concurrence with TIP

# 302 – Unified Planning Work Program (UPWP)

#### Status: 100% Complete.

- Q1: Began considering future projects for budgeting in 2023-24; Monitored progress on 2021-2022 UPWP; Updated UPWP charge sheet; Provided feedback on future projects
- Q2: Prepared 2023 budget estimate and carried out ongoing coordination with local jurisdictions about potential studies to include in the 2023-2024 UPWP
- Q3: Two amendments to the 2021-2022 UPWP were processed on Q3 (Amendments 5 and 6); The 2023-2024 UPWP was completed and approved by the TTC and Policy Board. As of the end of Q3, the document had been submitted to NDDOT, MnDOT, FHWA and FTA for final approval and some comments were received. The document will be finalized in Q4; Attended Cass County Board Budget Hearing re. 2023 Budget
- Q4: A final amendment to the 2021-2022 UPWP was prepared in Q4, as well as the first amendment to the 2023-2024 UPWP. The final 2021-2022 UPWP involved a significant amount of time to evaluate staff hours and estimate staff time in various UPWP categories through the remainder of the year. Overhead and operational expenditures also required review to determine any budget adjustments that needed to be made, as well as estimates of carry-over amounts into 2023. The agreements with MnDOT and NDDOT for the 2023-2024 UPWP were reviewed and processed (approved by Policy Board). Also, Metro COG began work on requests for proposals in the 2023 UPWP, and began discussing the timing rolling out of those RFPs in 2023. Several consultants and local staff had questions regarding projects included in the 2023-2024 UPWP, which led to several discussions and some email correspondence.

#### 303 – Public Participation Plan

#### Status: 100% Complete.

- Q1: Prepared and assisted with Metro COG's public involvement needs for the Clay County Comprehensive Plan
- Q2 Continued rewrite of Public Participation Plan
- Q3: Metro COG completed a draft and final draft of an updated Public Participation Plan. The draft was discussed internally, reviewing the required public notification periods and processes for each type of planning process.
- Q4: After some modifications to the document based on internal review meeting, a final draft was prepared for review by the TTC and Policy Board in Q4.

#### 304 – Congestion Management Process

- Q1: Discussed the need to review the process laid out in the MTP in order to fulfill the TMA requirement for a process
- Q2: Reviewed CMP for applicability to TMA designation
- Q3: Metro COG reviewed the CMP with NDDOT, MnDOT, FHWA and FTA to determine if the process would be sufficient once the TMA transition has taken place
- Q4: Considered potential updates and refinements to the CMP to include within the upcoming MTP Update.

#### 305 – Federal/State Rules and Regulations Compliance and Maintenance <u>Status: 100% Complete.</u>

- Q1: Began consideration of project solicitation as a TMA
- Q2: Participated in NDDOT/MPO Mid-Year Review; Updated TTC Bylaws to include Bicycle and Pedestrian Committee as a subcommittee and identify solicitation requirements.
- Q3: Metro COG reviewed IIJA funding opportunities and the Carbon Reduction Program

• Q4: Further review of IIJA funding opportunities, Carbon Reduction Program, and coordination with NDDOT, MnDOT and FHWA regarding federal regs.

# 306 – Civil Rights / Title VI / LEP / Environmental Justice

#### Status: 100% Complete.

- Q1: Reviewed Title VI and Environmental Justice requirements; Reviewed information from the U.S. Department of Transportation's Justice40 initiative; Reviewed miscellaneous demographic information for the FM metropolitan area; Reviewed and compiled response to NDDOT 2021 Title VI/LEP audit; Monitored availability of updated demographic data for LEP
- Q2: Reviewed Title VI and Environmental Justice requirements; Reviewed information from the U.S. Department of Transportation's Justice40 initiative; Reviewed miscellaneous demographic information for the FM metropolitan area; Annual Title VI training; Updated online Title VI survey form; Environmental justice map review
- Q3: Metro COG reviewed updates to the Title VI and LEP documents on NDDOT's website and began preparing for an updated Title VI Non-Discrimination Plan in 2023; Competed USDOT survey regarding equity in public engagement
- Q4: No work occurred during the Q4, except monitoring timing of annual updates to the LEP data within the document.

#### 307 – 2045 LRTP Implementation

#### Status: 100% Complete.

- Q1: Review of Fargo Planning Commission preliminary review packets to identify inconsistencies with MTP or corridor studies, and follow-up coordination with the City of Fargo; Began involvement in Main Avenue (University Drive to 25th Street) project development to determine consistency with vision and needs identified in past planning efforts; Letters of support and responses to SOV letters; RAISE grant meetings for 11th Street Grade Separation in Moorhead
- Q2: Monitored progress of projects under development and/or under construction (e.g. 11<sup>th</sup> Street RR Grade Separation in Moorhead, 32<sup>nd</sup> Ave S project in Fargo); Reviewed plan goals for additional MTP follow-up that needs to be done
- Q3: Metro COG participated in meetings regarding project development of Main Avenue between University Drive and 25<sup>th</sup> Street in Fargo. The draft Bicycle and Pedestrian Plan was used as a reference to make decisions about bike route connectivity along and parallel to this segment of the corridor; Attending Fargo Main Avenue Public Meeting on September 6<sup>th</sup>; Assisting MNDOT and Moorhead with alerting public to demonstration project for Main Avenue in Moorhead
- Q4: Attended Fargo Main Avenue meetings. Provided information and feedback to NDDOT's consultant on the Main Avenue geotechnical project in West Fargo along the Sheyenne River. Began coordinating with West Fargo's consultant on the 9<sup>th</sup> Street N project and provided written response to the SOV letter. Began coordination with NDDOT's consultant for the I-29 / 40<sup>th</sup> Avenue N interchange project ensured TDM files were delivered to consultant and attended kickoff meeting.

#### 308 – 2020 Census Coordination and Technical Assistance Status: 100% Complete.

- Q1: Reviewed monthly ND census reports; Reviewed U.S. Census updates
- Q2: Monitored status of 2020 Census and provided information to entities requesting the information
- Q3: Reviewed monthly ND census reports; Reviewed U.S. Census updates
- Q4: Reviewed monthly ND census reports; Reviewed U.S. Census updates

#### 309 – TMA Transition

#### Status: 10% Complete.

- Q1: Determined future TMA funding for TA projects; Participated in several meetings with NDDOT and FHWA; Began review of bylaws to identify updates needed
- Q2: Determined future TMA funding for TA projects; Internal meetings to discuss future project solicitations; Developed new TA solicitation; Prepared draft changes to Policy Board Bylaws
- Q3: Metro COG participated in meetings with NDDOT, MnDOT, FHWA and FTA to ensure understanding of TMA transition requirements. A funding MOU was reviewed and brought forward to the Policy Board in anticipation of TMA designation in FY23. Policy Board Bylaws were edited to address TMA requirements for a designated transit representative. Solicitation and project funding discussions occurred, many of which overlapped with the preparation of the TIP (301). Project solicitation methods were researched
- Q4: Continued coordination with NDDOT, MnDOT, FHWA, and FTA on the transition to a TMA. Coordinated with local governments regarding the need for future involvement in project development and project monitoring.

# 400 TECHNICAL TRANSPORTATION DATA & ANALYSIS

2022 Budget	Amount Billed	Percent Billed
\$159,000	\$137,802.18	86.7%

#### 401 – Performance Measures

#### Status: 100% Complete.

- Q1: Completed collecting data for safety targets. This was presented to TTC and Policy Board before a resolution was signed. The targets were sent to both State DOTs and a summary was posted on the Metro COG website.
- Q2: Coordination with MnDOT for federal pavement and bridge measures (05/11/22), reliability and freight reliability measures (05/13/22), and proposed federal safety targets (05/24/22)
- Preliminary review of NDDOT and MnDOT crash data
- Q3: Worked on Existing Conditions task; Project kickoff meeting; Study Review Committee coordination; Site visit at Glyndon School; Plan template; School arrival & dismissal observations; Coordinated and provided surveys to schools; Meeting with DGF staff to discuss Elementary school plans
- Q4: Had meetings with Urban SDK to discuss how their software could help our agency with tracking performance measures; Continued review of NDDOT and MnDOT crash data and proposed targets; Started to collect relevant data for performance measure analyses

#### 402 – Federal Functional Classification Update

- Q1: At NDDOT's request, prepared and submitted a cover letter addressed to Stacey Hanson, in preparation for submittal of proposed FFC update to FHWA; Staff submitted additional revisions based upon previous NDDOT comments, held internal discussions, and responded to NDDOT comments. Staff intermittently checked up on and responded to inquiries about regional functional classification issues.
- Q2: Responded to changes requested by NDDOT in their review of the recent update prior to being sent to FHWA for final approval
- Q3: Responded to requests by NDDOT to send them functional class GIS data and worked internally to ensure that data was up-to-date
- Q4: Responded to requests by NDDOT or other jurisdictions regarding the status of the updated functional classification maps

#### 403 – Travel Demand Model (TDM) Maintenance and Operation

#### <u>Status: 100% Complete</u>

- Q1: Reviewed job and household changes in recent studies for use in other studies; Discussed external to external and external to internal trip assumptions in previous version of model compared to data in StreetLight
- Q2: On-going coordination with ATAC and providing model to consultants as requested
- Q3: On-going coordination with ATAC regarding the use of Metro COG's regional travel demand model for various projects
- Q4: Coordinated with ATAC to get model files provided to Stantec for I-29 / 40<sup>th</sup> Ave N interchange project.

#### 404 – Freight and Goods Movement

#### Status: 100% Complete.

- Q1: Reviewed Metro COG's Regional Freight Plan in anticipation of committee meetings for the MnDOT District 4 Freight Plan and North Dakota Freight and Rail Plan; Stayed up-to-date on progress of both MN and ND state rail or freight/rail plans. Provided input on MN State Rail Plan process; State Rail Plan Initial Stakeholder Outreach Interview (01/26/22)
- Q2: Provided input on state freight plans
- Q3: Considered freight and goods movement as part of all other corridor studies and projects being carried out by Metro COG; Reviewed railroad crossing information and provided average daily train counts for Moorhead as part of a data request
- Q4: Internal discussions regarding potential study of railroad grade separation study in Dilworth; followup coordination with the City of Dilworth and City of Moorhead.

#### 405 - FM Metropolitan Profile

#### Status: 100% Complete.

- Q1: Review of housing starts data provided by FM Home Builders Association; Review of census information
- Q2: Created an outline for the next annual Metro Profile update with a list of required data internal meetings held (05/24/22, 06/21/22); Began to collect and review data for the draft document; Obtained commuter data to determine directionality of metro commuters; Reached out for pipeline data; Had two progress reports: May and June
- Q3: Internal check-ins to ensure that the Metro Profile is on track; Created an outline for the next annual Metro Profile update with a list of required data internal meetings held (05/24/22, 06/21/22); Began to collect and review data for the draft document
- Q4: Internal check-ins to ensure that the Metro Profile is on track; Coordinated with jurisdictions and transit staff; Collected data, developed graphics and collaborated on maps to finalize the document with adoption in November; Website updates; Assisted with bicycle & pedestrian section of Profile; Gathered information on freight sources, functional classification maps, pipelines, 2021 ALOP TIP Information, and other data for the Metro Profile; Updated maps for the document

#### 406 – Metropolitan Traffic Counting Program

#### <u> Status: 100% Complete.</u>

• Q1: Provided MnDOT with 2021 metro area-wide traffic counts; Incorporated NDDOT and MnDOT adjustment factors into 2021 Metro COG Traffic Counts; Coordinated traffic count map making with Jaron; Provided traffic counts to developers, citizens; Assisted the City of Fargo in setting out traffic counting cameras

- Q2: Provided local jurisdictions with 2021 metro area-wide traffic counts; Coordinated traffic count map making with GIS Coordinator; Provided traffic count files to City of West Fargo; Provided traffic cameras to City of West Fargo
- Q3: Coordinated traffic count map making with Jaron; Purchased traffic counting equipment; Provided traffic cameras to City of Fargo
- Q4: Provided traffic count data to consultant per request; Provided traffic cameras to City of West Fargo; Tested faulty traffic camera; Provided traffic cameras to City of Fargo; Collected speed data per request of City of Moorhead

#### 407 – Metropolitan Technical Assistance

#### Status: 100% Complete.

- Q1: Attended to miscellaneous metropolitan technical assistance needs; Coordination with MnDOT regarding rail safety project; Provided traffic data to consultant for ND Rail Study; Provided comments to Solicitation of Views letters; Coordinated AARP grant with local jurisdictions and organizations; Provided land use and future corridor information to City of Fargo; Provided StreetLight data access to City of West Fargo; Provided data to MnDOT for upcoming project; Staying updated with StreetLight traffic data
- Q2: Attended to miscellaneous metropolitan technical assistance needs; Staying updated with StreetLight traffic data including a workshop (04/14/22); Meeting with Urban SDK (05/16/22, 05/26/22) to consider potential use of their software; Reviewed Fargo NP Ave proposed layout; Provided example of RFPs to Bis-Man MPO; Provided City of East Grand Forks with sample RFP; Provided data to MnDOT for upcoming project
- Q3: Responded to questions from local jurisdictions, consultants, elected/appointed officials, or citizens regarding various transportation matters; Completed and submitted SS4A Comprehensive Safety Action Plan Grant Application to grants.gov; Used Remix Streets to put together traffic calming neighborhood layouts for the City of West Fargo's upcoming public meetings
- Q4: Developed a draft RFP for the Electric Vehicle Readiness Study; met with several consultant teams to discuss the scope and purpose; Attended to miscellaneous metropolitan technical assistance needs; Familiarized myself with Urban SDK software; Continued training and performed analyses using StreetLight; Participated in West Fargo 9th St/7th Ave N meeting

#### 408 – ITS/Traffic Operations Technical Assistance

#### Status: 100% Complete.

- Q1: No activities reported in the first quarter
- Q2: ND MPO ATAC meeting on June 29th
- Q3: Assisted with various questions and issues regarding ITS and traffic operations. This work program
  area relates to the update of the ITS Plan and the Interstate Operations Analysis, so time that might
  otherwise be logged under this work program item is being logged under those two projects; ND MPO –
  ATAC meeting
- Q4: Most efforts were directed at completion of the ITS Plan Update (Project #220)

#### 409 – GIS

#### Status: 100% Complete.

• Q1: Handover of GIS tasks to new GIS coordinator, attending GIS Committee Meeting; Created maps for other planners and other miscellaneous GIS-related inquiries where needed; Assisted with GIS analyses for Metro COG internal projects; Updated & reviewed GIS bicycle/pedestrian shapefiles; Organizing the GIS file structure; Testing out the limits of our GIS software and licensing; Digitalizing sidewalks and shared use paths within Google Earth and ArcMap; Testing out web map applications for

potential use; Creating and annotated five traffic count maps (February – April); Initiated the GIS committee, and met in a hybrid setting (March 4th); Exchanged geospatial data to local jurisdictions and consultants; Evaluated parcel redundancies for the Red River Greenway Study; years 2008-2021; Determine public lands within the cleaned data from the Red River Greenway Study; Provided transit data to City of Moorhead

- Q2: Performed maintenance on GIS files; Sent over Bikeway and Shared Use Path data to MnDOT for state bikeway facilities map; Digitalized new TAZs in ArcMAP, and created a shapefile and sent it over to ATAC – removed duplicate data as well; Developed code to remove duplicate polygons for the RRGW Study, and did some truthing of it with Ayden (entirety of April); Did truthing on road segments for the Metro Profile; Advocated for new License structure and ESRI Extensions – talked to Esri Sales Rep; Updated jurisdiction map for website; Created test web maps, apps and dashboards for the upcoming 2023-2026 TIP; Received and edited MnDOT traffic count shapefiles; Edited Traffic Count Maps, and went over Dan to discuss and remove duplicate count information; Migrated to ArcGIS PRO; Worked with GIS Coordinator on GIS maps; Provided local jurisdictions with 2021 metro area-wide traffic count GIS files
- Q3: Created test web maps, apps and dashboards for the upcoming 2023-2026 TIP; Edited shapefiles for • the Draft TIP – Early and Mid-July; Created Maps for local jurisdictional comments and made edits to the TIP Shapefile Based off that; Provided maintenance and updated shapefiles and dashboard daily (July and August); Create a final draft version of maps and dashboard for the TIP Public Meeting (August 22nd); Updated TIP Shapefile Attributes and Dashboard during the duration of the TIP Public Comment Period up to the Approval of the TIP (August – September 15th); July 25th – August 4th, coordinated with Ari to update the Functional Class System. Transcribed a PDF map to a shapefile with updated attributes; Went through Sengaroun Marohl from NDDOT to make sure attributes for roadways were correct; July 28<sup>th</sup>, discussed desired aerial needs for the upcoming 2023 Metro Aerial Project; September 1<sup>st</sup>, had GIS Committee Meeting. Discussion on the selection process for a vendor, and who is leading the project; Obtained Land Use Shapefiles; Determined Vacant Land within the UZA; Utilized web services to get newer imagery for Clay County; General Maintenance of GIS files; Created Maps for different staff members; Sent out Shapefiles to consultants when requested; Sat on the 2021 TAZ Jobs and Household Discussion; Went Through TAZ Data and created numerous choropleth maps to highlight different attributes. Presented findings to Cindy and Michael.
- Q4: Assisted with GIS analyses for Metro COG internal projects; Helped to create maps for other planners and other miscellaneous GIS-related inquiries where needed
- Jobs and Households Related: Organized and complied shapefile attributes from our 2021 data purchase and TAZs shapefiles to illustrate future development patterns within the MPA; Created numerous shapefiles and feature classes to represent different jurisdiction development patterns; Created Jobs and Households preliminary maps for each jurisdiction and began reaching out to planning departments; Updated maps from planning departments to visualize areas that will experience high likelihood of growth, medium likelihood of growth, low likelihood of growth, stable areas, redeveloped areas, and infill areas by 2050; Organized shapefiles for office members to fill in attributes (for Paul, Ari, and Ayden); Imputed office member full build out numbers and net growth from their respected spreadsheets into the master shapefile; Did constant maintenance and updating of GIS files for the Jobs and Households Project to promote efficiency and updated data; Performed statistical analysis on jurisdictions within ArcPro; Created dynamic maps for coworkers for progress report meetings.
- Maintenance and Requests: General Maintenance of GIS files; Created Maps for different staff members; Sent out Shapefiles to consultants when requested; Sat on the 2021 TAZ Jobs and Household Discussion; Went Through TAZ Data and created numerous choropleth maps to highlight different attributes. Presented findings to Cindy and Michael

# 410 – West Fargo Traffic Calming Study

#### Status: 100% Complete.

- Q1: During the first quarter of 2022, Metro COG finished the West Fargo Traffic Calming Study. Metro COG presented to and received approval from the West Fargo City Commission regarding the Study on January 17th. Metro COG also presented and received approval from the TTC and Policy board on February 10th and 17th, respectively. Project deliverables were sent to City of West Fargo shortly after the February Policy Board meeting, successfully concluding work on the Study and notifying the City of project execution.
- Q2: Project Completed in the first quarter

#### 411 – Household & Job Data Assignments to TAZs to TDM (2022 UPWP Project) Status: 100% Complete.

- Q1: Participated in a conversation with ATAC regarding TAZ household/job assignment needs; Began review of HH and Job data for 2021
- Q2: Developed new TAZ boundaries for the 2050 travel demand model; TAZ review and internal discussion (04/27/22)
- Q3: Began strategizing the approach to this, and reviewed ATAC's work on the 2021 jobs and households based on the data purchased from Data Axle; Reviewed new TAZ boundaries and additional household and job assignment needs
- Q4: Reviewed population, household, and job assignment to TAZs; Checked past comprehensive plans to help identify where growth is most likely to occur; Estimated future household and job numbers for TAZs in Moorhead and Dilworth; Assigned growth to various TAZs; In October, held prelim discussions on future development patterns with local planning departments to aid in quantifying full-build out and 2050 job and household numbers; Created spreadsheets for each jurisdiction with land use density parameters for each jurisdiction (to help quantify net growth in each TAZ); To understand dynamics of downtown Fargo and the Core Neighborhood region, read numerous studies, newspaper articles, and aerial imagery to get knowledge of future patterns; Began Quantifying Full build out for Fargo on the spreadsheet; Readjusted land use densities within Fargo; Coordinated with other coworkers to determine expected patterns within the MPA; Answer questions regarding TAZs; Provided updates on progress and made necessary changes; Troubleshooted errors in Full build out numbers and recalibrated the analysis when needed

# **500 – TRANSIT PLANNING**

2022 Budget	Amount Billed	Percent Billed
\$10,500	\$8,925.50	85%

#### 501 – Transit Technical Assistance

- Q1: Staff worked with MATBUS on implementing the newly adopted TDP. This included answering questions about how the TDP would apply to other ongoing projects within the city. Staff also assisted MATBUS in gathering information for their FTA Triennial Review; Coordinated stakeholder meeting with Handi-Wheels; Provided transit data to City of Moorhead
- Q2: Staff worked with MATBUS on implementing the newly adopted TDP. This included answering questions about how the TDP would apply to other ongoing projects within the city. Staff also assisted MATBUS in gathering information for their FTA Triennial Review.
- Q3: No activity reported in the third quarter
- Q4: Assisted MATBUS, including future transit project discussions; Tour of MATBUS Facilities (10/10/22); Attended CTS Transportation Research Conference (11/03/22); Handi-Wheels Board Meeting (11/15/22)

and any additional correspondence with Handi-Wheels; Responded to Handi-Wheels regarding board involvement; 5310/5339 Transit Grant Coordination

#### 502 – MAT Coordinating Board

#### <u>Status: 100% Complete</u>

- Prepared Agenda and Packet Materials for, presented at, and participated in MAT Coordinating Board meetings
- Recorded and prepared minutes from previous meetings
- Recorded voting actions, roll call votes, and voting outcomes
- Updated current committee, alternates, and ex-officio members list and information as necessary
- Scanned and uploaded additional materials provided at meetings to website

# 600 BICYCLE & PEDESTRIAN PLANNING

2022 Budget	Amount Billed	Percent Billed
\$53,000	\$49,541.49	93.5%

#### 601 - Bicycle/Pedestrian Activities and Technical Assistance

#### <u>Status: 100% Complete.</u>

- Q1: Assisted local governments with bicycle and pedestrian planning efforts and coordination as needed; Reviewed and provided comments on the Metropolitan Bicycle and Pedestrian Plan; US Bike Route 20 Advisory Committee meeting & coordination; Provided examples of trails per request from North Country Trail Association member; Responded to citizen comment; Discussed potential future Red River crossing with jurisdictions; Coordinated next Bicycle & Pedestrian Committee meeting; Bike map app updates and coordination; Bicycle & Pedestrian Committee meeting on March 30<sup>th</sup>; Responded to questions regarding bicycle facilities, paths and available data including staying updated with new data available through Strava; Updated sidewalk and shared-use path inventory
- Q2: Provided technical assistance to Fargo Parks regarding trail alignment; Reviewed updated Bicycle & Pedestrian Committee bylaws; Provided comments for MnDOT statewide bicycle map; Discussed future bike facilities on 8th St/Roberts St with City of Fargo; Responded to citizen regarding Bicycle & Pedestrian Committee; Bike map app updates and coordination; Bicycle & Pedestrian Committee meeting on June 8<sup>th</sup>
- Q3: Fargo safe routes to school coordination; Bike map app updates and coordination; Reviewed NDSU Bicycle Facility Use Study; US Bike Route 20 coordination; Bicycle Friendly Communities application; MN Active Transportation Grant coordination; Helped putting out cameras and manual bike and pedestrian counting, including annual counts at the 12th-15th Ave Bridge (09/13/22); Troubleshoot Gooseberry Counter but running analysis for June, July and August; Made periodic checks to the Gooseberry Counter to make sure it was operational; Uploaded data to Eco Visio to make counts visible; Maintained MnDOT Counter in Moorhead
- Q4: Reviewing greenway gap analyses for the Red River Greenway Study; Planned next Bicycle & Pedestrian Committee meeting; Provided TA funding information to Cass County upon request; Bicycle & Pedestrian Committee meeting on November 9<sup>th</sup>; Responded to Policy Board member regarding proposed Red River trail near VA; Bicycle & Pedestrian Plan presentations to jurisdictions; Red River Greenway draft plan review; Collected bike/ped counters from local counter stations at during the first week of each month: October, November, and December; Troubleshoot Counter Errors; Made periodic checks to the Gooseberry and Lindenwood Counters to make sure it was operational due to ice, snow, and sun interference; Uploaded data to Eco Visio to make counts visible; Maintained MnDOT Counter in Moorhead and attempted to troubleshoot when there was issues (December)

# 602 – Bicycle and Pedestrian Counts and Analysis

# Status: 100% Complete.

- Q1: Set up online dashboard for new EcoCounter data display; Retrieved data from automated bicycle & pedestrian counters. Removed old counter devices; Processing data from automated bicycle & pedestrian counters; Annual Bicycle & Pedestrian Count Report; Maintenance of Moorhead counter
- Q2: Trained staff on collecting bike/ped counts; Processing data from automated bicycle & pedestrian counters; Final inspection of new automated bike/ped counters; Provided bike/ped count data to City of Fargo per request; Aided Dan with the re-installation of Bike/Red Counters along the Red River; Aided MnDOT by removing and troubleshooting Bike/Ped counter in Moorhead; Coordination with MnDOT to troubleshoot the Moorhead Counter, and conducted a modem test; Instruction from MnDOT of the mechanics of our EcoCounters, and dissected the Moorhead Counter to determine issues
- Q3: Collected & processing data from automated bicycle & pedestrian counters; Replacement analysis of automated counters; Maintenance of Moorhead counter; Annual manual bicycle & pedestrian counts; Purchase of new bicycle & pedestrian counters
- Q4: Coordinating installation of new bike/ped counters; Set up new bicycle & pedestrian counter; Purchase of new bicycle & pedestrian counters

#### 603 – Heartland Trail Extension

#### Status: 100% Complete.

- Q1: Discussed funding with Becker Country group for Heartland Trail planning; Participated in Heartland Trail bonding bill meetings
- Q2: Responded to consultant questions regarding Heartland Trail; Researched Heartland Trail bonding bill; Discussed Heartland Trail with City of Moorhead; Met with Clay County regarding a possible study effort
- Q3: No activities reported in the third quarter
- Q4: Heartland Trail meeting with Becker County Heartland Trail group on December 19<sup>th</sup>; Discussed Heartland Trail with Paul

#### 604 - Bicycle Safety Education

#### Status: 100% Complete

- Q1: No activities reported in the first quarter
- Q2: No activities reported in the second quarter
- Q3: No activities reported in the third quarter
- Q4: No activities reported in the fourth quarter

#### 605 – DGF School District Safe Routes to School Plan

- Q1: No activities reported in the first quarter
- Q2: Started preparations for the upcoming Safe Routes to School Plan including reviewing the timeline, identifying potential SRC members and attending a SRTS Network Call organized by Move MN (04/07/22); Inquired with DGF about status of school construction; Discussed DGF SRTS project with stakeholder; Plan prep
- Q3: Worked on Existing Conditions task; Project kickoff meeting; Prepared for and attended a kickoff meeting for the DGF Safe Routes to School Plan (07/12/22); Conducted an initial site visit of DGF Middle School and High School in Glyndon (07/20/22); Conducted an observation of school arrival and dismissal at DGF Elementary School in Dilworth (09/27/22) and DGF Middle School and High School in Glyndon (09/29/22); Internal discussions regarding observations and draft plan layout; Helped to put

together material for upcoming open houses; Contacted Remix to get updated imagery for metro region

Q4: Continued internal discussions regarding observations and initial recommendations; New Site Layout Meeting (10/03/22); Prepared for and attended Public Open Houses (10/17/22, 10/18/22); SRC Meeting (11/07/22); Study Review Committee coordination; Development of plan document; Public open houses (Oct 17 & 18); Entered survey data into national database; Coordinated, provided, and collected surveys to schools; Meeting with DGF staff to discuss Elementary school plans; Public Involvement prep; Created a public comment map for online users; October 17-18th – Public Open House at the Dilworth Elementary school

# 700 LOCAL PLANNING ASSISTANCE

2022 Budget	Amount Billed	Percent Billed
\$20,500	\$19,524.40	95.2%

#### 701 – Agency Outreach

#### <u>Status: 100% Complete.</u>

- Q1: Assisted with miscellaneous agency outreach needs regarding Metro COG planning projects; Technical assistance to Cass Clay Community Land Trust; Presentation to PartnerSHIP 4 Health on January 19<sup>th</sup>; Coordinated presentation to River Keepers Board; Wrote Solicitation of Views letters; Participated in FHWA Small MPO Virtual Public Involvement Workshop; MnDOT State Rail Plan Initial Stakeholder Outreach on January 26<sup>th</sup>; Coordination and preparation for poster presentation at the ND Transportation Conference; Presentation to River Keepers Board February 23<sup>rd</sup>; Participation in Essentia Health's: Building Equity, Community of Practice Meetings January 27th, March 4th, and March 15th
- Q2: Attended Moorhead Grade Separation public open house on June 28<sup>th</sup>; Wrote letter of support for Rec Trail Program grant; Participated in FHWA Small MPO Virtual Public Involvement Peer Exchange Workshops
- Q3: Developed staff reports and participated in meetings with city officials in Mapleton; Worked on Existing Conditions task; Project kickoff meeting; Study Review Committee coordination; Site visit at Glyndon School; Plan template; School arrival & dismissal observations; Coordinated and provided surveys to schools; Meeting with DGF staff to discuss Elementary school plans
- Q4: Attend public open house for Fargo 2nd Street Bridge; At the City's request, spoke to the Kindred Planning Commission about becoming an Associate Member and having Metro COG complete their Comprehensive Plan.

#### 703 – Local Planning Assistance

- Q1: Assisted local governments with long-range planning efforts, transportation planning efforts, and with land use related planning efforts as applicable to transportation; Reviewed and completed miscellaneous planning needs and requirements for internal Metro COG planning projects
- Q2: Assisted local governments with long-range planning efforts, transportation planning efforts, and with land use related planning efforts as applicable to transportation; Reviewed and completed miscellaneous planning needs and requirements for internal Metro COG planning projects; Attended open house for Highway 10/75 11th Street Grade Separation held by the City of Moorhead (06/28/22)
- Q3: Assisted local governments with long-range planning efforts, transportation planning efforts, and with land use related planning efforts as applicable to transportation; Reviewed and completed miscellaneous planning needs and requirements for internal Metro COG planning projects; Attended Moorhead 21st St Grade Separation Ribbon cutting held by the City of Moorhead

 Q4: Researched plug-in hybrid and electric vehicles in preparation for the Electric Vehicle Readiness Study; prepared for several brief meetings with local leaders to discuss the scope and purpose of the study

# **800 GENERAL ADMINISTRATION**

2022 Budget	Amount Billed	Percent Billed
\$269,000	\$156,569.81	58.2%

#### 801 – General Administration, Management, IT, and Secretarial

#### Status: 100% Complete.

- General Administration: Weekly staff meetings to discuss workload and agendas for upcoming TTC and Policy Board Meetings; Received and recorded invoices, checks, and correspondence; Christy Eickoff for accounting/payroll; Prepared and authorized payroll through Payroll Professionals; Updated payroll as necessary; Mailed invoices, invoice payments, correspondence, etc.; Prepared purchase orders for office supply procurement, kept rolling total of dollars spent; Ordered office supplies and maintained inventory; Worked on updating and organizing Filing; Secured rental car and made hotel reservations for various staff needs; Created and shared various Doodle Polls; Maintained and authorized Discovery Benefits payments; prepared and submitted bi-weekly timesheets for approval; Calculated and updated current leave balances, submitted to Payroll Professionals; Worked on 2022 Quarterly reports and submitted to MnDOT for reimbursement; Liaison and maintenance to Vision Software; Posted internal recruitment for Associate Transportation Planner; Posted job opening on various websites and social media outlets; Renewed SAM.gov annual registration; Onboarding paperwork for Assistant Planner; Set up and coordinated interviews for open position; Cleaned and organized empty office for new employee; Started onboarding paperwork and added to various benefit accounts; Created and released RFP for Accounting Services, Created RFP for Auditing Services; updated job description for Executive Director; Began posting job notice for Executive Director position on various professional organization websites and other recruitment sites.
- Management: Office and team management; Review and approval of timesheets and leave requests; Worked on reference list and digital library of final documents of past planning studies; Indirect Rate Meeting with NDDOT; Met with consultants and responded to numerous 2022 inquiries; Conducted annual performance reviews for staff members and six-month review of one staff member;
- IT Management: attended to various IT needs, set up conference room for various presentations and meeting needs, attended to various IT issues; act as agency liaison with ReadiTech; Maintained Zoom Subscription; set up email and user on domain server; Act as agency liaison with Vision Timekeeping Software; Coordinated and facilitated Firewall Upgrade; Met with Liberty printing Representative, received Plotter lease quote; Ordered and set up two new employee laptops; Reformatted old laptops and desktop pcs for new use and decommission; Updated phone system software

#### 802 – Financial Budgeting and Tracking

- Preparation, submission, amending, and tracking of monthly NDDOT reimbursement requests
- Preparation, submission, and approval of 2021-2022 UPWP budget updates and amendments
- Review and reorganization of staff and overhead billing codes, and staff assignments
- Prepared and updated spreadsheet to monitor CPG expenditures
- Assisted with 2023 Budget finalization
- Set up and maintained 2022 tracking of expenditures for budget monitoring purposes

- Prepared for and participated in 2021 Financial Audit
- Monitoring of CPG funds and bank accounts
- Review of invoices and payments
- Monitoring of Metro COG budget and financials
- Coordinated with NDDOT for review of the 2022 financial information for the purpose of calculating new Indirect Rate

#### 803 – Professional Development, Education, and Training

- Q1: Webinar: From Complete Streets to Complete Networks; Women's Transportation Seminar informational meeting re. setting up a chapter in ND; ND Traffic Operations Roundtable meeting on 3/16/22 – 3/17/22; State of the Cities 2022 January 13th; NDPA Ethics Training February 2nd; MnDOT StreetLight User Group February 22<sup>nd</sup>; ND Transportation Conference March 1st & 2<sup>nd</sup>; FHWA Workshop on Methods to Improve Freight Performance, Reliability, and Bottlenecks March 21st; APA MN-Building Toward Justice: Transportation's Role; Ongoing participation in the Building Equity program, a year-long community of practice organized by Essentia Health – attending kick-off meeting (01/27/22), IDI assessment and debrief session, and completing preparation material for group sessions; Women in the Workplace webinar; Virtual Meetings Best Practices webinar; Learned the EcoLink software and the visualization capabilities; Watched Esri curated videos to help understand the applications of web based GIS applications and how it is applicable to the Transportation Improvement Plan (TIP), Public involvement, and for future projects; Watched Esri curated videos to help prepare for more rigorous spatial analyses that are not currently used within MetroCOG; Participated in numerous StreetLight Trainings and went through their provided training modules; Sat in with Ari, Luke and Michael to understand the expectations for the TIP; Sat with Ari and Luke to determine project breakdown and what our roles within the TIP will look like; Learned setup of traffic cameras within Fargo – with Dan's help; Read numerous reports and literature to help validate my GIS methodology, guide me through the TAZ, and to understand the dynamics of the Fargo Moorhead Region
- Q2: Attended How to Apply for SS4A Grants: General Overview webinar on June 13; Attended How to Apply for SS4A: Action Plan Grants webinar on June 15; Attended Federal Grant Opportunities Networking Workshop on June 22; Attended How to Apply for SS4A: Implementation Grants webinar on June 23; Attended Navigating the U.S. DOT Grant Process webinar on June 28; Ongoing participation in the Building Equity program, a year-long community of practice organized by Essentia Health and completing preparation material for group sessions; StreetLight virtual training sessions (04/07/22, 04/19/22); Participated in presentation be vendor for Urban SDK; FHWA Webinar Reconnecting Communities Pilot Discretionary Grant Program; Utilized StreetLight training modules; Used Esri Training videos to help create robust, and suitable apps for our organization; Was involved in NDDOT's EV informational; Participated in NDDOT's Safe Routes to School; Webinar: Leadership for Administrative Professionals; Women in Transportation Seminar bi-monthly meetings
- Q3: Attended the Minnesota American Planning Association Conference; Webinar Farms Under Threat 2040: Choosing and Abundant Future; Participated in three days of training regarding planning for and implementing TSMO strategies as part of a Regional Operations Leadership Forum (ROLF); Participated in follow-up meetings regarding the Regional Operations Leadership Forum (ROLF) training; WTS Event and Virtual Meeting; Attended SS4A Discussion with State DOTs webinar on July 14; Participated in Socioeconomic Forecasting Working Group on August 17; Attended GoToWebinar on Managing the Climate Crisis: Designing and Building for Floods, heat, Drought, and Wildfire on August 23; Ongoing participation in the Building Equity program, a year-long community of practice organized by Essentia Health and completing preparation material for group sessions; Attended the Minnesota Connected and Automated Vehicle (CAV) Drive MN Event (08/16/22); Attended a Remix On-Demand Planning Demo with MATBUS (08/29/22); Attended the Central Minnesota ATP Meeting, which included a presentation on MnSHIP Minnesota State Highway Plan and other updates (09/15/22); Utilized

StreetLight training modules; Used Esri Training videos to help create robust, and suitable apps for our organization; Went to the July 25th Regional Workforce Strategy Presentation; Utilized Remix Streets Documentation; Reading the Metropolitan Transportation Plan (MTP); Reading the Transportation Improvement Plan (TIP); Reading the 2022 Bicycle and Pedestrian Count Report; Reading the Fargo Safe Routes to School Plan; Attending MATBUS Travel Trainer Workshop on 9/22/2022; MNDOT: Telecommuting; Transportation Planning Division: State of Transportation; AMPO: Emerging Technologies Working Group (TSMO); MNDOT Draft "Project Selection Policy"; FHWA: Greenhouse Gas Emissions Performance Measure Notice of Proposed Rulemaking; Marsh McLennan Agency: Diversity, Equity & Inclusion Journey; AMPO: GIS & Data Visualization Working Group 9/22/2022; AMPO: Public Involvement Working Group 9/23/2022

Q4: Attended the AMPO Conference from October 25 to 28; Attended GoToWebinar on Preparing • Critical Infrastructure for Climate Change on November 4; Participated in the 2022 West Central Minnesota Regional Housing Forum on November 17; Attended the virtual presentation on How to Apply CMFs in Road Safety Audits, Consider CAVs, and Understand Recent Federal Research on December 7; Attended GoToWebinar on Extra Territorial Zoning on December 15; Ongoing participation in the Building Equity program, a year-long community of practice organized by Essentia Health and completing preparation material for group sessions; Attended Main Street ND Summit 2022 (10/24/22 -10/26/22); Utilized StreetLight and Urban SDK training modules; Used Esri Training videos to help create robust, and suitable apps for our organization; Went to GIS Pine to Prairie Meeting; Utilize Esri Help information to help with Jobs and Household Data Organization; Utilized Remix Streets Documentation; Reading City of Fargo Core Neighborhoods plan; Teaching high schoolers how to drive safely around semis at Health Tech Trades Career Expo at FARGODOME on Thursday 12/1/2022; FHWA: Freight and Land Use 11/14/2022; FHWA: Justice 40 11/17/2022; NDPA: Extra Territorial Zoning 12/15/2022; Webinar: ASAP State of The Profession Review; GoToWebinar - Ten Things to Do Now to Level Up Your Productivity; GoToWebinar - Managing Interruptions - The Art of Getting Work Done; Webinar: Increasing the Accessibility and Utility of Government Data: Data Transparency Session; Webinar – Essential Value of Street Trees; AMPO Conference;

# 900 PUBLICATIONS, PUBLIC INFORMATION, AND COMMUNICATIONS

2022 Budget	Amount Billed	Percent Billed		
\$9,000	\$8,281.36	92%		

#### 901 – Metro COG Newsletter

#### Status: 100% Complete.

- Q1: no activities reported in the first quarter
- Q2: no activities reported in the second quarter
- Q3: no activities reported in the third quarter
- Q4: no activities reported in the fourth quarter

#### 902 – Website and Social Media

- Assisted with website maintenance and posted upcoming news and events
- Updated the general directory of Metro COG stakeholders for MailChimp campaigns
- Assisted with miscellaneous MailChimp maintenance
- Updated website with current Policy Board, TTC, and MAT Coordinating Board packets
- Updated Metro COG Facebook account as necessary
- Updated Metro COG website as necessary
- Update and maintenance on BIKEFM website
- Released Request for Proposals, with supplemental and subsequent information

- Reviewed the website for overall updates and consistency
- Reviewed status of projects on website and reminded staff to update project information
- Posted TIP information to website and social media accounts
- Worked with Consultant Teams to place Public Input opportunities on Metro COG's Facebook page and project websites, strategized ad placement and ad boosts for Public Input opportunities

# 1000 COMMUNITY PLANNING AND TECHNICAL ASSISTANCE\*

2022 Budget	Amount Billed	Percent Billed
\$38,000	\$37,042.20	N/A

\*This category is paid for using 100 percent local funds, with hourly billing rates plus an indirect rate multiplier, as approved by NDDOT. Amount billed reflects staff time only, and not the use of the indirect rate. Because of this, the percent billed is not applicable.

#### 2021-1001 – Cass-Clay Food Systems Advisory Commission

#### Status: 100% Complete.

- Preparation of agenda and packet materials for Cass Clay Food Commission meetings
- Transcribed minutes from previous meetings
- Preparation and participation of steering committee meetings
- Metropolitan Food Systems Plan update
- Staffed public input table at various events

#### 2021-1002 – Clay County Comprehensive Plan

#### <u>Status: 100% Complete.</u>

- Q1: Metro COG continued information and outreach activities for the Clay County Comprehensive Plan in the first quarter of 2022 including: monthly Planning Commission updates and follow-up with individual Commissioners, outreach to focus group members on the draft plan, and preparations for community engagement meeting on February 22. Metro COG made additional edits to the final draft plan in March.
- Q2: Metro COG assisted with final approval of the Clay County Comprehensive Plan by the Clay County Board of Commissioners in May followed by finalization of the document.
- Q3: Project completed in the second quarter.

#### 2021-1003 – Mapleton Comprehensive Plan

#### <u>Status: 50% Complete.</u>

- Q1: Metro COG continued to work on the Mapleton Comprehensive Plan with substantial completion on the following sections: a community profile, housing, land use, community character and design, and public facilities and utilities. Metro COG also continued to work with the city to form a study review committee to begin review and discussion of materials.
- Q2: Metro COG continued to work on the Mapleton Comprehensive Plan with substantial completion on the following sections: agricultural and natural resources, transportation, and impacts of the FM Diversion. Metro COG continued to work with the city to form a study review committee to begin review and discussion of materials.
- Q3: Metro COG held its first SRC meeting on August 30 and asked for assistance with disseminating an online public input survey. Metro COG also discussed public involvement needs for the project.
- Q4: Metro COG discussed land use ordinance needs with the Planning and Zoning Commission

#### 2021-1004 – Metropolitan Housing Needs Assessment

#### Status: 93% Complete.

- Q1: Finalized Request for Proposals; Reviewed proposals from consultants; Scheduled discussion with selection committee
- Q2: Metro COG assisted with kick-off needs for the Metropolitan Housing Needs Assessment including biweekly check-in meetings, data collection requests, and public engagement needs. Metro COG also participated in the first SRC meeting on June 29.
- Q3: Metro COG continued to assist the Metropolitan Housing Needs Assessment with biweekly check-in meetings, additional data collection requests, public engagement needs, and review of draft materials. Metro COG also participated in the second SRC meeting on September 12.
- Q4: Metro COG continued to assist the Metropolitan Housing Needs Assessment with biweekly check-in meetings, additional data collection requests, public engagement needs, and review of draft materials. Metro COG also participated in a two-day roundtable with in-person and virtual meetings with jurisdictions from October 10 to 12. Metro COG was also involved in public engagement needs for both a housing needs community survey and employer survey

# 2022 Financials

#### **Budget Summary by UPWP Element**

Metro COG programmed a 2022 operations and overhead budget of approximately \$1,165,000 and a 2022 contracted planning budget of approximately \$988,000 in Amendment 2 of the 2021-2022 UPWP. Amendment 3, approved in December of 2021, approved some carryover funds from 2021 into 2022. UPWP Amendments 4-7 were brought forward and approved during 2022. Each amendment is summarized below.

Amendment 4 was approved in January, 2022. Carry-over funds from 2021 were used to purchase a license for StreetLight software, which is used across the metropolitan area for transportation planning, traffic studies, and traffic impact studies. In addition, Amendment 4 addressed the reallocation of staff hours from other categories to the Metro-wide Housing Needs Analysis and the inclusion of more details about this locally funded project in the work program.

Amendment 5 was proposed in August of 2022 and used \$11,453.31 in unused funds originally budgeted on five projects to purchase three eco-counter pyro-box bicycle and pedestrian counting devices and installation materials.

Metro COG had a staff vacancy for three months in the late spring/early summer of 2022. In September, 2022, Amendment 6 to the UPWP was approved to use the unspent funds from the vacant position combined with some remaining carryover funds from 2021 to purchase a software license.

In December of 2022, Metro COG processed a 2021-2022 UPWP year-end amendment to 2022 staff hours and budget (Amendment #7) to account for some areas that were over budget or expected to go over budget by the end of the year, and to account for areas that were under the original budget. With these adjustments, as approved by the Policy Board and submitted to NDDOT, CPG elements closed out the year within budget. The following table shows the 2022 budget and staff hours associated with each program area of the 2021-2022 UPWP. Amounts were adjusted to reflect the actual hours and staff costs.

Program Area	2022 UPWP		2022 Actual		Difference	
	Budget	Staff Hours	\$ Spent	Staff Hours	Variation from Budget	Staff Hours
100 Policy and Administrative Forums	\$71,783	1,280	\$62,500	1,035	-\$9,283.10	-245
200 Contracted Planning	\$123,529	2,200	\$136,000	2,385	\$12,471.45	185
300 Federal Transportation Planning & Documentation	\$128,501	2,252	\$129,500	2,135	\$999.07	-117
400 Technical Transportation Data & Analysis	\$139,866	3,015	\$159,000	3,475	\$19,133.75	460
500 Transit Planning	\$21,897	370	\$10,500	200	-\$11,396.70	-170
600 Bicycle & Pedestrian Planning	\$36,467	771	\$53,000	1,215	\$16,533.44	444
700 Local Planning Assistance	\$69,680	1,410	\$20,500	355	-\$49,180.00	-1,055
800 General Administration*	\$270,322	5,089	\$269.000	5,100	-\$1,321.71	11
900 Publications Public Information and Communication	\$16,496	359	\$9,000	205	-\$7,495.58	-154
1000 Community Planning and Technical Assistance	\$25,297	544	\$38,000	885	\$12,702.68	341
TOTAL	\$903,837	17,290	\$884,340	16,990	-\$16,836.70	-300

### Comparison of 2022 Budget for Staff Hours and 2022 Year-End Actual Hours

\*General Administration includes all staff leave time (holiday, vacation and sick leave)

The most significant adjustment was the reduction in the amount of time spent on category 700 – Local Planning Assistance. Less time than anticipated was spent on CPG-eligible aspects of two comprehensive plans that were underway during 2022.

As shown in the table on the next page, Metro COG finished 2022 well within our overhead budget. Only one line item needed to be adjusted. The traffic count maintenance category went over by \$671.77. Funds were moved from the travel/training category to cover this overage, but overall, Metro COG had approximately \$32,000 in unspent overhead budget which was carried over into 2023.

800	Category	Ru	dget	Sper	ht.	Rom	naining \$
			-				<b>U</b> .
800a	Travel/Training	\$	28,520.00	\$	15,062.96	\$	13,457.04
800b	Dues/Subscriptions	\$	58,565.00	\$	56,864.59	\$	1,700.41
800c	Office Supplies	\$	4,000.00	\$	1,280.70	\$	2,719.30
800d	Postage/Meter Lease	\$	2,420.00	\$	722.85	\$	1,697.15
800e	Advertising	\$	2,000.00	\$	1,319.05	\$	680.95
800f	Office Rent	\$	80,400.00	\$	78,765.12	\$	1,634.88
800g	Insurance	\$	8,200.00	\$	7,383.85	\$	816.15
800h	Phone/Internet	\$	4,080.00	\$	3,727.69	\$	352.31
800i	Information Systems/IT	\$	103,679.00	\$	101,699.84	\$	1,979.16
800j	Audit	\$	11,750.00	\$	11,500.00	\$	250.00
800k	Office Equipment	\$	500.00	\$	105.00	\$	395.00
800L	Printing/Copier Lease	\$	5,999.92	\$	3,903.65	\$	2,096.27
800m	Legal Services	\$	1,200.00	\$	301.00	\$	899.00
800n	Accounting	\$	16,800.00	\$	16,200.00	\$	600.00
8000	HR Services	\$	500.00	\$	-	\$	500.00
800p	Traffic Count Maintenance	\$	10,095.00	\$	10,766.77	\$	(671.77)
800q	Payroll Services	\$	1,680.00	\$	1,643.00	\$	37.00
800r	Newsletter	\$	2,500.00	\$	-	\$	2,500.00
TOTAL		\$	342,888.92	\$	311,246.07	\$	31,642.85
	Funded Categories						
801a	Bike Map App/Misc	\$	1,800.00	\$	1,355.33	\$	444.67
801b	Traffic Count Fund	\$	1,000.00	\$	-	\$	1,000.00
TOTAL		\$	2,800.00	\$	1,355.33	\$	1,444.67

Consultant led projects are expected to have unspent 2022 budgets that must be carried over into 2023. Anticipated carryover amounts are shown in the following table. Estimates are most likely on the high side to ensure we carried over sufficient funds into 2023 to cover projects for which we were under contract or about to be under contract when the 2023-2024 UPWP was completed and adopted. The carryover amount totals approximately \$243,000 in Federal funds and is split between seven projects. Several of the projects were budgeted from the outset to span across multiple years.

2021-2022 UPWP UPWP Carryover Projects into 2023								
2021-2022 UPWP Project	Jurisdiction(s)	Total Budget through 2022	Total Estimated Carryover⁴	Federal %	Federal Share	Local %	Local Share	
Red River Greenway Study <sup>1</sup>	Fargo	\$155,000.00	\$14,000	80%	\$11,200	20%	\$2,800	
Interstate Operations Analysis <sup>2</sup>	All	\$300,000.00	\$90,000	80%	\$72,000	20%	\$18,000	
University Drive and 10th Street Corridor Study <sup>3</sup>	Fargo	\$250,000.00	\$100,000	80%	\$80,000	20%	\$20,000	
US Highway 10 Corridor Study, Dilworth MN	MnDOT	\$160,000.00	\$60,000	80%	\$48,000	20%	\$12,000	
25th Street S Corridor Study	Fargo	\$125,000.00	\$20,000	80%	\$16,000	20%	\$4,000	
Moorhead Signalized Intersection Data Coll. (2022) - ATAC	Moorhead	\$12,370.00	\$10,000	80%	\$8,000	20%	\$2,000	
Dynamic Traffic Assignment Analysis - ATAC	All	\$15,000.00	\$10,000	80%	\$8,000	20%	\$2,000	
Subtotal		\$1,017,370.00	\$304,000		\$243,200		\$60,800	

<sup>1</sup>Budget is \$155,000 including \$25,000 budgeted for 2021, and \$130,000 budgeted for 2022 <sup>2</sup>Budget is \$399,928.70 including \$100,000 budgeted for 2021, \$200,000 for 2022, and the remainder for 2023. <sup>3</sup>Total budget is \$275,000 with the final \$25,000 budgeted for 2023.

\*Estimated carryover amounts are likely to be higher than actual year-end carryover amounts.

**METROCOG** Fargo-Moorhead Metropolitan Council of Governments

Agenda Item 2c

Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.532.5100 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

To: Policy Board Members From: Cindy Gray, AICP Date: February 10, 2023 Re: **Approval of Auditor Selection** 

In October, the Metro COG Policy Board approved the Request for Proposals (RFP) for agency Auditing Services. Auditing Services were budgeted as an overhead cost in the 2023-2024 UPWP.

Metro COG Solicited ten local auditing firms. Only one firm sent a proposal, Brady Martz, with whom Metro COG was contracted with until December 31, 2022 (see attachment 1). Staff is satisfied with the service that Brady Martz has provided thus far, and North Dakota Department of Transportation has had favorable reviews of their audits when conducting our recent indirect rate audit. Brady Martz has, in the past, made numerous recommendations for Metro COG to improve documentation of expenditures, which has been helpful. They also work with our accountant to modify ways of documenting certain types of expenditures.

Brady Martz' proposal included a per-audit year agreement of \$10,500 for 2022, \$11,250 for 2023, and \$12,000 for 2024. There is also a Single Audit Fee (per Federal programs over \$750,000) for \$3,500, \$3,800, and \$4,100, respectively. Totaling \$43,650 for audit years 2022, 2023, and 2024.

Metro COG may choose to set up the contract with the selected auditing firm in a manner that will allow annual contract extensions up to a specified number of years.

Requested Action: Approval of Metro COG entering into a contract with Brady Martz for auditing services for years 2022, 2023, and 2024.

# **PROPOSAL** FOR PROFESSIONAL AUDITING SERVICES

FARGO MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

February 9, 2023

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### **COVER LETTER**

Ms. Cindy Gray, Executive Director Fargo-Moorhead Metropolitan Council of Governments One-2<sup>nd</sup> Street North Case Plaza, Suite 232 Fargo, ND 58102-4807

Dear Ms. Gray:

Brady Martz appreciates the opportunity to present our proposal for professional auditing services to the Fargo-Moorhead Metropolitan Council of Governments (Metro COG).

### **RESOURCES YOU CAN DEPEND ON**

Our objective is to provide quality and timely services that exceed your expectations. Following are some of the factors that we believe make Brady Martz qualified to provide the quality and scope of services that Metro COG needs:

- Industry Experience: We know your business and the climate you work in. Brady Martz provides services to many organizations within the governmental industry.
- Staffing Stability: Brady Martz will maintain continuity and stability within your service team. Our
  professionals understand your goals and will alert you to opportunities. Your time will not be spent training
  our staff and we can provide continuity in your team from year to year.
- Uncompromising Client Service: Proactive and timely client service is priority number one among shareholders and professionals at Brady Martz. We are structured to ensure clients receive an unusually high amount of shareholder and manager attention and involvement. Many times throughout the year questions arise; we believe you will find it reassuring to be able to call experienced professionals and seek their advice whenever needed. We believe you will find our responsive service is different than with other CPA firms.

### FEES AND EXPENSES

We recognize that engaging an accounting firm is an important investment for your organization. You can expect your investment in Brady Martz to add value to your organization. Please refer to Exhibit A for a summary of fees.

### **CLOSING COMMENTS**

We want to use all of our resources to help you succeed. We believe our commitment to quality and timely service; our locally available range of services and our depth of governmental experience will serve Metro COG well. Most importantly, we will be your resource throughout the year.

The person authorized to make representations for Brady Martz concerning this proposal is:

Brian Opsahl, CPA, Shareholder 401 Demers Ave Suite 300 Grand Forks, ND 58201 Telephone: (701) 795-7458 E-mail: brian.opsahl@bradymartz.com

If selected to perform the audit, Brady Martz will execute a formal contract incorporating our proposal.

Please call me at (701) 795-7458 if you have any questions concerning our proposal. Thank you for this opportunity to continue to provide our professional services.

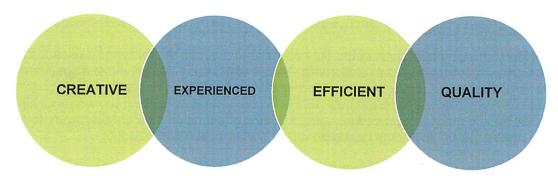
Sincerely,

Bri Opall

Brian Opsahl, CPA, Shareholder BRADY MARTZ

### **EXPERIENCE AND QUALIFICATIONS**

### **FIRM PROFILE**



We pride ourselves in our knowledge and understanding of our clients and their organizations. When we work with your organization, our service approach consistently produces high-quality results in an efficient manner. It is our goal to continue to be a valued partner and resource to your organization.

**CREATIVITY**. At Brady Martz, we believe in a forward-thinking approach that encourages flexibility according to the needs of your organization. We innovate and prepare effective and efficient approaches specific to your organization. As a result, our assignments, and their outcomes, become more interesting, enjoyable, and valuable for all involved.

OUR EXPERIENCE. Our experience in the governmental industry spans over 95 years, with more than 200 governmental entities utilizing our independent professional services. Our extensive experience allows us to understand the challenges facing these entities in a world of ever-changing regulations and responsibilities for compliance. We also recognize that not every entity's needs are the same. That's why we treat each client's needs with individualized attention.

EFFICIENT AND EFFECTIVE. We pride ourselves on our knowledge and understanding of our clients. Based on our experience with working with you in the past, we already have a service approach in place to consistently produce high quality results in an efficient manner. We recognize that timing is an important aspect of quality service and will carefully coordinate our work and delivery timelines with you to ensure your expectations are met.

QUALITY. We differentiate by providing high quality services in areas that matter most to our clients. When asked if there is a difference in the work product we provide to our clients, we can unequivocally say "yes". Not only do we focus on doing your work to the highest quality possible, we also identify opportunities that benefit your organization. We continue to offer the assurance that our firm's partners actively lead our teams. Therefore, you have the highest level of attention throughout your engagement with us.

ACCOLADES. Others have noted the superior service of Brady Martz, including:

accountingtoday

**FIRMS TO WATCH** 



Forbes

America's Top Recommended

**Tax And Accounting Firms** 

#### INDEPENDENCE AND LICENSE

Brady Martz meets the independence requirements of the *Government Auditing Standards* issued by the Comptroller General of the United States. We also meet the independence requirements under the AICPA Standards, including Ethics Interpretation 101-10. In addition, Brady Martz and all CPAs listed on this engagement are properly licensed to practice in the States of North Dakota and Minnesota.

We at Brady Martz are very conscious of the duty we have to maintain a professional relationship with a client and not to become comfortable in that relationship. That is why we continually make adjustments to our approach towards the annual engagement to not only bring a fresh perspective to each engagement, but to also maintain our high professional standards. This is accomplished by rotating personnel within segments of the audit, updating and modifying procedures, and focusing attention on different risk areas each year. We address and assess risk on an annual basis and adjust our approach accordingly.

We confirm that we are independent of Fargo-Moorhead Metropolitan Council of Governments.

#### GOVERNMENTAL INDUSTRY KNOWLEDGE AND EXPERIENCE

Our firm performs audits for approximately 200 governmental units and provides other professional services to approximately 70 governmental units. We have more than 60 professional partners and associates who provide audit services for our governmental clients across our seven locations. These individuals maintain their expertise by obtaining continuing education. They also stay on trend of emerging issues by serving on various governmental auditing committees and task forces for the North Dakota Certified Public Accountants Society.

To demonstrate our commitment to achieving the highest quality audits possible, we are a member of the AICPA's Governmental Audit Quality Center (GAQC). Mindy Piatz is our firm's designated partner in charge of ensuring the quality of our Governmental audit services, particularly our services performed under *Government Auditing Standards* and the Uniform Guidance. As part of this membership, we participate in the GAQC's continuing education webinars.

Our highly qualified staff keeps up-to-date on governmental pronouncements and are available to meet with your personnel to discuss any new pronouncements. Support staff is also available to assist with specialized consultations as needed.

Any employee conducting a substantial portion of governmental audits is required to take a minimum of 80 continuing education hours, with 24 specifically related to governmental audits, every two years. In addition to in-house education, we participate in continuing educations courses offered by the AICPA and other organizations. Personnel involved in governmental engagements receive a major portion of their continuing education in the governmental area. All staff listed in our proposal meet the continuing professional education requirements of *Government Auditing Standards*.

In addition to our audit services for governmental entities, we also provide a variety of management advisory services that include consultations on bond financing, IT installation and software evaluations, employee benefit plan consulting, and various seminars on accounting-related topics.

#### SINGLE AUDIT EXPERIENCE

Brady Martz has a broad base of governmental clients subject to the provisions and requirements contained in *Government Auditing Standards*, the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our firm performs over 100 single audits annually accounting for \$800 million of federal expenditures.

In addition, we have six individuals throughout the firm who have completed the certification process through the AICPA's Single Audit Certificate Program that demonstrates their skills, knowledge and expertise performing single audits.

### CONSULTING AND IT SERVICES

We recognize the challenges that rapid economic and technological changes place on any organization. As a full service firm, we are able to provide our clients with a wide array of consulting services. Our consulting services include, but are not limited to strategic planning, policy review, compensation planning, business valuations, and business restructuring. Payroll services include quarterly and annual payroll reporting along with W-2 preparation. We can assist with filing 1099 forms. If we are not maintaining independence for the audit, our firm can also provide bookkeeping services, reconciliation of bank accounts and controller services.

We have also conducted IT examinations. These examinations include a review of an organization's policies and procedures, review of internal controls, as well as an evaluation of the computerized systems. The objectives of these procedures are to locate internal control weaknesses and to identify any inefficiency over the data processing system. Brady Martz employs individuals with specific training in auditing and reviewing information systems.

### **GOVERNMENTAL EXPERIENCE**

The following is a list of comparable engagements in which our firm has performed audits.

Metro COG	
<ul> <li>Grand Forks-East Grand Forks Metropolitan Planning Organization</li> </ul>	City of Grand Forks, ND
City of East Grand Forks, MN	City of Williston, ND
<ul> <li>Sioux Falls Housing &amp; Redevelopment Commission</li> </ul>	Moorhead Public Housing Agency
Cass County Housing Authority	Clay County Housing Authority
Spirit Lake Tribe	Red Lake Band of Chippewa Indians

### AUDIT ENGAGEMENTS PERFORMED

The following is a list of engagements with other governmental entities in which our firm has performed auditing services in the last three years.

Cities	
City of Beulah	City of Minto
City of Cavalier	City of Richardton
City of Crosby	City of Rugby
City of Grand Forks	City of Thompson
City of Mayville	City of Williston
City of Mandan	<ul> <li>City of Detroit Lakes, MN</li> </ul>
<ul> <li>City of East Grand Forks MN</li> </ul>	
ounties	
Benson County	Eddy County
Divide County	
lousing Authorities	
<ul> <li>Burleigh County Housing Authority</li> </ul>	<ul> <li>Nelson County Housing Authority</li> </ul>
Emmons County Housing Authority	Pembina County Housing Authority
<ul> <li>Grand Forks Housing Authority</li> </ul>	<ul> <li>Ramsey County Housing Authority</li> </ul>
<ul> <li>Housing Authority of Cass County</li> </ul>	<ul> <li>Spirit Lake Housing Authority</li> </ul>
Mercer County Housing Authority	<ul> <li>Stark County Housing Authority</li> </ul>
Minot Housing Authority	Williston Housing Authority
<ul> <li>Morton County Housing Authority</li> </ul>	
irports	
Mandan Airport Authority	<ul> <li>Beulah Airport Authority</li> </ul>
<ul> <li>Grand Forks Airport Authority</li> </ul>	Tioga Municipal Airport Authority
<ul> <li>Dickinson Theodore Roosevelt Regional</li> </ul>	<ul> <li>Williston-Basin International Airport</li> </ul>
Airport	
chool Districts	
Beulah Public School District	Minto Public School District
<ul> <li>Bismarck Public School District</li> </ul>	Minot Public School District
Grafton Public School District	Rugby Public School District
Grand Forks Public School District	TGU Public School District
Litchville-Marion Public School District	Thompson Public School District
Manvel Public School District	Warwick Public School District
oil Conservation Districts	
<ul> <li>Grand Forks County Soil Conservation District</li> </ul>	Ward County Soil Conservation District
<ul> <li>Stark and Billings County Soil Conservation Districts</li> </ul>	
Vater Districts	
<ul> <li>East Central Regional Water District</li> </ul>	<ul> <li>Stutsman Rural Water District</li> </ul>
North Prairie Rural Water District	Traill Rural Water District
R & T Water District	<ul> <li>Williams Rural Water District</li> </ul>
<ul> <li>Southwest Water District</li> </ul>	

#### **State Agencies**

- Job Service North Dakota
- North Dakota Housing Finance Agency
- North Dakota Housing Incentive Fund
- North Dakota Public Finance Agency
- North Dakota Building Authority
- North Dakota Development Fund

#### **State Boards**

- North Dakota State Board of Architecture
- North Dakota State Board of Cosmetology
- North Dakota Electrical State Board
- North Dakota State Board of Medicine
- North Dakota State Board of Law Examiners
- North Dakota State Plumbing Board
- North Dakota State Board of Accountancy

### **COMMITMENT TO QUALITY**

Our objective is to provide the most professional service we can and maintain our high quality control over our work. To obtain these objectives, all services performed by Brady Martz are under the direct supervision and review of one of the shareholders. Our firm has also developed a quality control document, which sets out our policies for quality services, which are applied to all services we perform.

Our audit reports have been submitted to the North Dakota State Auditor's Office and have also been selected by the Minnesota Society of CPA's Governmental Accounting Committee for review. We are a member of the Center for Public Company Audit Firms and the Private Companies Practice Section (PCPS) of the American Institute of Certified Public Accountants. As a condition of membership in the Center for Public Company Audit Firms and PCPS, we have undergone a peer review of our quality control procedures by an independent firm of CPA's. A peer review results in the issuance of three different types of opinions:

- 1) Pass
- 2) Pass with deficiencies
- 3) Fail

Brady, Martz & Associates, P.C. has received the highest opinion, a pass, which is included on the following pages.

The firm is properly licensed and registered to practice in the State of North Dakota and Minnesota.

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### PEER REVIEW REPORT



#### Report on the Firm's System of Quality Control

To the Shareholders Brady Martz & Associates, P.C. and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Brady Martz & Associates, P.C. (the Firm) in effect for the year ended March 31, 2021. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (the Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at <u>www.aicpa.org/prsummary</u>. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

#### Firm's Responsibility

The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The Firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

#### Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review.

#### **Required Selections and Considerations**

Engagements selected for review included engagements performed under Government Auditing Standards, including compliance audits under the Single Audit Act; audits of employee benefit plans, and an audit performed under FDICIA.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the Firm, if applicable, in determining the nature and extent of our procedures.



Jackson Thornton Certified Public Accountants & Consultants

200 Commerce Street, Montgomery, Alabama 36104-2591 P.O. Box 98, Montgomery, Alabama 36101-0096 334 834 7660 jacksonthornton.com A PROFESSIONAL CORPORATION

Page 2

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of the Firm in effect for the year ended March 31, 2021, has been suitably designed, and complied with to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)* or *fail*. The Firm, has received a peer review rating of *pass*.

Jackson Thornton & Co., P.C.

Montgomery, Alabama September 9, 2021

### SCOPE OF WORK STRATEGY

### **OUR APPROACH**

Our audit approach is based on our thorough understanding of your organization and its operations. Based on this understanding, we can adequately plan and execute your engagement to ensure the upmost efficiency of the services we provide you. In accordance with the Statement of Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants, Brady Martz will complete all necessary services and procedures in compliance with the applicable laws, regulations, and contracts.

Building on our understanding of your organization, we will serve your needs through the following key components.

**Thoughtful planning creates efficiency**. There is a large amount of time and effort that goes into the planning stage of an audit due to professional standards. This additional time in the planning process leads to a more effective and efficient audit. However, we have the benefit of not needing as much time up front because we are already very familiar with Metro COG. This will lead to shorter turn-around times and greater efficiencies throughout the process.

**Communication**. Successful engagements have one common factor: ongoing communication. We will work collaboratively with Metro COG to establish a method of communication that fits your needs which will include an entrance conference, daily updates with your staff while onsite and an exit conference. As a Brady Martz client, communication is highly encouraged throughout the engagement.

**Planning meeting**. At the outset of our engagement, we schedule a planning meeting with your management team. We also schedule meetings as needed to review our recommendations.

**Scheduling and committed staff**. We strive to balance our staff development with the efficiencies gained by allowing our staff to work on an engagement for years. Consequently, we believe you will see a lower level of staff turnover on your engagement when compared to other firms in the area. This results in a more efficient audit, minimizes the risk of engagement problems, and causes less frustration for you.

**Respecting your time**. We will interact with your staff in a professional manner that respects their time and recognizes that they have additional tasks in addition to helping with our audit.

**Strictly-kept deadlines**. We realize that there are deadlines with respect to presenting the Metro COG's financial statements to management and to the Board of Directors. We take pride in our ability to honor our deadlines. Absent events beyond our control, we will honor all deadlines established with you in the planning stage of our audit.

**Areas of emphasis**. As required by our profession, our approach is governed by our assessment of risk for various financial statement assertions. Our work will include gaining an understanding of and testing the internal control process, substantive tests, and extensive analytic procedures. Our emphasis may change as we assess risk associated with each area and gain more knowledge of the organization.

**Technology**. The engagements will be performed using paperless software created called ProSystem Engagement. In addition, we also utilize IDEA and Data Snipper, which are data extraction software for selecting samples, reconciling data and exception reporting and recalculation. Metro COG has the added benefit of our staff working with your organization for several years, which minimizes the amount of time you need to dedicate to the engagement.

#### AUDIT OBJECTIVE

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with the accrual basis of accounting. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards* and the Uniform Guidance (if applicable), and will include tests of your accounting records and other procedures we consider necessary to enable us to express such an opinion.

The audit will cover the entire operations of Metro COG. The objectives also include an examination of Metro COG's compliance with relevant laws and regulations. Throughout our audit process we will examine for ways to assist your organization with improving its internal controls in order to provide its services in a more efficient and effective manner.

#### AUDIT TECHNIQUES

Our approach for this audit will include an emphasis on continuous and timely communication and coordination with Metro COG's personnel, especially in the planning phases of the audit. We believe that coordinating tasks prior to performing significant audit fieldwork will result in an efficient use of personnel. The specific techniques to be used will depend on the current internal accounting control system in place.

During the planning stage of our audit, we will obtain an understanding of the current accounting internal controls through documentation of the activity cycles including, but not limited to: revenues/receipts and general disbursements. In evaluating internal controls we carefully assess the management control environment. Management controls are the most effective of the internal control environment. We will also evaluate Metro COG's IT operations and its ability to generate timely and accurate financial information. We will audit through the computer system, not around it. At the specific financial statements account level, we will evaluate the detail controls for authorization and processing of transactions, as well as controls related to safeguarding and reporting functions.

#### AUDIT RISKS

Based upon our past experience with other governmental entities, review of Metro COG's financial statements, and our discussions with Metro COG's personnel, we believe the following areas are the risk areas that we will focus our audit procedures on. These areas and our audit procedures may change after our actual planning process is performed including our review of the internal accounting controls.

- Cash
- Capital Assets
- Project Costs
- Charges for Services / Program Revenue and Related Receivables
- Salaries and Benefits Expense
- Federal Grant Compliance

### **CONSIDERATION OF IT SECURITY & CONTROL**

The scope of our procedures often includes documenting and testing information technology related to financial audit where transactions are electronically initiated, recorded, processed and reported. Evidential matter on the effectiveness of design and operations of controls is accumulated to support the assessment of risk. This entails us gathering an understanding of the benefits and risks of IT in financial reporting. The understanding and findings gathered have allowed us to better assess risk and properly plan our auditing procedures for organizations. In addition, it has provided our clients with opportunities to better utilize technology and its related security.

Specialized skills may be required such as those of IT auditors and information security professionals. Our firm employs individuals with specific training in systems and IT auditing including members of the Information Systems Auditing and Control Association.

#### PROJECT MANAGEMENT PLAN

We maintain an open line of communication with management of Metro COG throughout the entire audit process from planning to completion to ensure all parties involved are aware of the status of the audits and the time lines. Based upon our proposed time line for fieldwork and staff assigned to the audits, we are confident we have resources and technical ability to complete the audits in a timely and cost effective manner.

#### DELIVERY SCHEDULE

We propose the following delivery schedule for the audit of the Fargo-Moorhead Metropolitan Council of Governments:

Conduct an initial audit planning conference	Any time after award				
Entrance conference	First day of fieldwork				
Commencement of fieldwork*	May 2023				
Exit conference	Last day or near end of audit fieldwork				
Delivery of preliminary report	On or before June 15th				
Delivery of final report	On or before June 30th				
Presentation to Board of Directors	Any time after report issuance				

\* Commencement of fieldwork (and pre-audit fieldwork) will be discussed with the management of Metro COG. We will perform a combination of onsite and remote fieldwork.

### MANAGEMENT PLAN FOR THE AUDIT

### AUDIT TEAM MEMBERS

To provide Metro COG with the most professional and quality services, we will utilize the following members of Brady Martz.

**Brian Opsahl**: Brian will serve as the engagement partner in charge of the audit and will be responsible for review of audit reports and conferences with audit executive staff. He will also be responsible for evaluation of significant audit issues and supervision of staff. Brian will conduct the final review of audit workpapers.

**Mindy Piatz**: Mindy will serve in the position of quality review and technical consultant of the audit. She will perform a second review of the financial statements and provide her technical assistance to the audit team, when necessary.

**Will Young**: Mr. Young will serve as the audit manager and will be responsible for audit supervision and audit coordination with the auditee. He will also coordinate the evaluation and testing of internal controls and perform a review of the audit work papers.

**Others**: Other qualified professionals of our firm will be assigned audit work appropriate to their current level of government experience. They will work under the supervision of the audit manager and engagement partner.

Brady Martz commits to staffing the engagements with those professionals noted above. Any changes to the staffing will be communicated to Metro COG and will be replaced by a team member whose level of experience and education is at least equal to that of the engagement team members being replaced.



### BRIAN OPSAHL, CPA, SHAREHOLDER

### **Business Experience**

Brian is a shareholder (partner) located the Grand Forks office of Brady Martz. He has more than 18 years of experience practicing in public accounting. His major emphasis has been in the auditing area throughout his career. He specializes in the government and tribal industries.

He devotes approximately 95% of his time to assurance and consulting services for governments and tribal entities, of which approximately 40 of these audits are also single audits conducted in accordance with Uniform Guidance. Annually, Brian oversees approximately 30 audits that participate in single employer and multi-employer defined benefit pension and OPEB plans. He also serves as a technical reviewer for the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Program

Specifically, Brian has served on the following audits and consulting arrangements involving governments:

- City of Grand Forks (including the Alerus Center)
- City of Williston
- Grand Forks-East Grand Forks Metropolitan
   Planning Organization
- Clay County Housing Authority
- City of Mayville
- Cass County Housing Authority
- City of Mahnomen

- Benson County
- Grand Forks Housing Authority
- Sioux Falls Housing and Redevelopment Commission
- Grand Forks Public School District
- Moorhead Public Housing Authority
- Grafton Public School District
- Grand Forks Park District

### Education

Bachelor of Accountancy, Minnesota State University, Moorhead, Moorhead, Minnesota

### **Professional Associations and Credentials**

- American Institute of Certified Public Accountants
- North Dakota Certified Public Accountants Society
- AICPA Advanced Certificate in Single Audits



### MINDY PIATZ, SHAREHOLDER

### **Business Experience**

Mindy is a shareholder (partner) located in the Bismarck office of Brady Martz. She has more than 17 years of experience practicing in public accounting. Her career emphasis has been in the auditing and tax areas, specializing in the government and nonprofit industries. She currently is the firm's government industry lead and coordinates training for the firm for new GASB pronouncements, Yellow Book compliance, and other governmental specific topics.

She devotes approximately 90% of her time to assurance and consulting services for governments and nonprofits, of which approximately 20 of these audits are also single audits conducted in accordance with Uniform Guidance. Annually, Mindy oversees approximately 25 audits that participate in single employer and multiemployer defined benefit pension and OPEB plans. She also serves as a technical reviewer for the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Program.

In addition, Mindy has worked extensively with the North Dakota Office of Management and Budget for the last seven years in which she assists them with preparation of the ACFR for the State of North Dakota. Her duties include preparation of the footnotes to the financial statements and assisting OMB in the implementation of new GASB pronouncements.

Specifically, Mindy has served on the following audits involving governments:

- City of Mandan
- City of Grand Forks
- City of Williston
- City of Beulah
- North Dakota Housing Finance Agency
- ND Department of Trust Lands
- Job Service North Dakota
- North Dakota Public Finance Agency

- Bismarck Public School District
- Dickinson Public School District
- Bismarck Parks and Recreation District
- Minot Parks and Recreation District
- Burleigh County Housing Authority
- Morton County Housing Authority
- Morton County Housing Authority

### Education

Bachelor of Accountancy, North Dakota State University, Fargo, North Dakota

### **Professional Associations and Credentials**

- American Institute of Certified Public Accountants
- North Dakota Certified Public Accountants Society
- Government Finance Officers Association
- AICPA Advanced Certificate in Single Audits

### Mindy Piatz (Continued)

#### **Recent CPE Courses**

Brady Martz Annual Accounting and Auditing Update Brady Martz Annual Government Accounting and Auditing Update Government Finance Officers Association (GFOA) Annual GAAP Update Brady Martz Annual Ethics and Independence Training AICPA – It's Here! Fiduciary Activities Implementation Government Audit Quality Center (GAQC) Annual Update AICPA – 2020 State and Local Government Planning Considerations AICPA – GASB Leases: What Preparers & Auditors Need to Know to be Ready for Implementation AICPA – Peer Review Industry Update: Government Auditing Standards AICPA – Tackling Internal Control Over Compliance in a Single Audit



### WILL YOUNG, SENIOR MANAGER

### **Business Experience**

Will is a Senior Manager of Brady Martz with over 14 years of experience practicing as a Certified Public Accountant with an emphasis in the audit area.

He has over sixteen years of experience with government auditing and single audit experience with an emphasis in providing auditing and accounting services to a wide range of industries including governmental, non-profit, and various other industries. Included in the governmental audits are School Districts, Cities, Water Districts, Housing Authorities, and Tribal Entities, most of which are subject to single audits.

Specifically, Will has served as a manager on the following governmental audits:

- Fargo-Moorhead Metropolitan Council of Governments
- GF-EGF Metropolitan Planning Organization
- Agassiz Water District
- East Central Regional Water District
- Northeast Regional Water District

### Education

Bachelor of Accounting, University of North Dakota

### **Professional Associations and Credentials**

- American Institute of Certified Public Accountants
- North Dakota Certified Public Accountants Society
- AICPA Advanced Single Audit Certificate

### Recent CPE

Brady Martz Annual Accounting and Auditing Update Brady Martz Annual Government Accounting and Auditing Update Brady Martz Annual Ethics and Independence Training Government Finance Officers Association (GFOA) Annual GAAP Update 2022 GFOA Annual Conference AICPA – It's Here! Fiduciary Activities Implementation AICPA – GASB's Lease Standard: Are You Ready? AICPA – Auditor Considerations: The Coronavirus State and Local Fiscal Recovery Funds Program AIPCA – 2022 State and Local Government Audit Planning Considerations Government Audit Quality Center (GAQC) Annual Update

- Grafton Public School District
- Belcourt Public School District
- Rugby Public School District
- May-Port CG Public School District
- City of Williston

### METHODOLOGY

### PLANNING

Meetings and discussion with personnel from Metro COG to discuss audit concerns and significant laws and regulations.

Final identification of the applicable laws and regulations and the assessment of the risk of material noncompliance with those identified.

Based upon the above assessment and materiality, we will design audit procedures to test compliance with those applicable laws and regulations.

Obtain an understanding and documentation of the internal control system (including controls surrounding information systems). Evaluate the internal controls for each transaction type and cycle, which will be relied upon.

Design internal control tests based upon a 90% confidence level and our assessment of inherent risk and control risk.

Gather information through inquiries of management and other operating personnel to determine specific risks due to fraud. Respond to these risks and design audit procedures based upon risk.

Perform preliminary analytical procedures including a comparison to prior years' activity and budgeted activity in addition to predictive testing.

Review of all significant Board of Director minutes.

Update our permanent files for significant agreements, contracts, ordinances and legal documents.

Preparation of confirmations for those accounts to be confirmed.

Obtain or assist in preparation of the schedule of expenditures of federal awards including current and cumulative grant expenditures, if applicable.

Based upon results and findings of our initial planning, we will develop an audit plan that contains procedures, which will effectively and efficiently reduce risk to an appropriately low level necessary for issuing an opinion. We will conduct both substantive and control tests.

### AUDIT FIELDWORK FOR FINANCIAL STATEMENTS

Test material account balances through substantive audit procedures.

Confirm and reconcile cash balances.

Agree depreciation schedule for fixed assets to trial balance. Additional tests for fixed assets may include review of supporting documentation for large new purchases, review for proper accounting treatment of fixed assets disposed of and review repair and maintenance accounts for any additional items that should be capitalized.

Agree material receivables to subsequent collections and review supporting documentation.

Reconcile grant revenues and expenses.

Review disbursements paid after yearend for proper recording.

Perform analytical procedures / review of payroll and payroll related expenses.

Confirm and reconcile debt activity as applicable.

Perform reasonableness test of accrued interest and interest expense as applicable.

Test a sample of Metro COG's expenditures for proper support and approval.

Perform analytical and detailed testing of revenue.

Reconcile transfers and due to / from accounts, if any.

### REFERENCES

Following is a list of some of our firm's current engagements in which our proposed team members for your audit participated in the engagement. We encourage you to contact these individuals to learn about our firm's experience providing high quality and timely services.

Peggy McNelis, Office Manager GF-EGF Metropolitan Planning Organization 255 North 4<sup>th</sup> St, Grand Forks, ND 58201 <u>peggy.mcnelis@theforksmpo.org</u> (701) 746-2660

Maureen Storstad, Director of Finance City of Grand Forks 255 North 4<sup>th</sup> St, Grand Forks, ND 58201 <u>mstorstad@grandforksgov.com</u> (701) 746-2620

Jeremy Schuler Northeast Regional Water District 13532 Hwy 5, Cavalier, ND 58220 jeremy@nrwd.us (701) 265-8503

### COST PROPOSAL

### FINANCIAL STATEMENT AUDIT FEE

These fees are based on the anticipated time required to complete the audit with cooperation of your staff. Should we encounter unusual or unexpected problems which would cause us to be unable to continue the audit, we will promptly notify you of such and obtain your approval prior to performing any additional services which will result in fees exceeding the estimated amounts. Please see attachment A for a breakdown of the fees. We estimate our maximum fee (not to exceed amount listed) as follows:

	2022	2023	2024	Total
Audit <sup>1</sup>	\$10,500	\$11,250	\$12,000	\$32,750
Single Audit Fee (per program as applicable)	3,500	3,800	4,100	11,400
Total	\$13,500	\$14,550	\$15,600	\$43,650

<sup>1</sup> Audit would be conducted under Generally Accepted Auditing Standards and *Government Auditing Standards*. Fee also includes preparation of draft financial statements and related travel.

### ACCOUNT RECONCILIATION FEE

Our audit fee estimate is based to a large extent on the quality, timeliness, and accuracy of the requested supporting documentation that your staff will prepare for the audit. It is also based on the number and complexity of proposed audit adjustments that may be required to bring your financial statements in compliance with GAAP. We will prepare a detailed list of expected supporting audit documentation which you will need to prepare before we will be able to begin the audit(s). The supporting audit documentation will need to be completed and submitted to us by the corresponding due dates we provide management.

Our fee estimate does not include any accounting assistance required to assist you in properly preparing the required supporting audit documentation listed in the "Prepared by Client (PBC) audit documentation" letter. Also, it does not include additional time required to reconcile the supporting audit documentation to appropriate detail and/or to the general ledger. Additional time will be billed at our standard rates. We will inform management of account reconciliation issues prior to performing any additional work and discuss fees for any additional services we provide regarding these items.

### CONSULTING FEE

We welcome phone calls to resolve minor questions and do not charge for that time. Any consultation or special services that requires additional research and / or time provided by our firm would be billed out at our standard hourly rates, which vary from \$100 to \$375 per hour depending on the experience of the personnel utilized.



### Exhibit A – Cost Proposal Form

**Cost Proposal Form** – Include completed cost and submit with concurrently with the technical proposal as part of the overall RFP response. The cost estimate should be based on a not to exceed basis and may be further negotiated by Metro COG upon identification of the most qualified Consultant. Changes in the final contract amount and contract extensions are not anticipated.

1.	Direct Labor	Hours	x	Rate	=	Project Cost	Total
	Brian Opsahl, Shareholder	7	х	\$ 285.00	=		
	Mindy Piatz, Quality Control Reviewer	1	х	200	=	200.00	200.00
	William Young, Manager	25	х	173	=	4,325.00	4,325.00
	Other Staff	33	х	110	=	3,630.00	3,630.00
				Subtotal	=	10,150.00	10,150.00
2.	Overhead/Indirect Cost		-	_			
3.	Subcontractor Costs		_	-			
4.	Materials and Supplies Costs					-	-
5.	Travel Costs					350.00	350.00
6.	Fixed Fee					-	-
7.	Miscellaneous Costs				1	-	_
	Total Cost		¥.		=	\$ 10,500.00	\$ 10,500.00

#### REQUIRED BUDGET FORMAT Summary of Estimated Project Cost

Accounting Services for the Fargo-Moorhead Metropolitan Council of Governments January 20, 2023 Request for Proposals P a g e | 6

#### EXHIBIT B: Title VI Assurances

The Fargo-Moorhead Metropolitan Council of Governments (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation-Effectuation Of Title VI Of The Civil Rights Act Of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

#### General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration."

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

#### Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted Federal-Aid Highway Program.

 The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and

A PLANNING ORGANIZATION SEEMING FARGO, WEST FARGO, HORACE, CASS COUNTY, NOPTH DAKOTA AND MOORHEAD, DIEWORTH, CLAY COUNTY, MINNESOTA

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the Regulations.

 The Recipient will insert the following notification in all solicitations for bids, Requests for Proposals for work, or material subject to the Acts and the Regulations made in connection with all Federal-Aid Highway Program and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

"The Fargo-Moorhead Metropolitan Council of Governments, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 US.C.§§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

- The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
- The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.
- 3. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
- 4. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
- 5. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:
  - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
  - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- 6. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:
  - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or

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- b. the period during which the Recipient retains ownership or possession of the property.
- 7. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
- 8. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Fargo-Moorhead Metropolitan Council of Governments also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the Federal Highway Administration's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the Federal Highway Administration. You must keep records, reports, and submit the material for review upon request to the Federal Highway Administration, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Fargo-Moorhead Metropolitan Council of Governments) gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the Federal-Aid Highway Program. This ASSURANCE is binding on Fargo-Moorhead Metropolitan Council of Governments, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the Federal-Aid Highway Program. The person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

Brad Olson COG Policy Board

Attachments: Appendices A and B

1/16/2020

Date

A PLANNING ORGANIZATION SERVING FARGO, WEST FARGO, HORACE, CASS COUNTY, NORTH DAKOTA AND MOORHEAD, DILWORTH, CLAY COUNTY, MINNESOTA

## **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.532.5100 | f: 701.232.5043

Fargo-Moorhead Metropolitan Council of Governments ogetimmetrocog.org www.fmmetrocog.org

Appendix A of the Title VI Assurances

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

#### 1. Compliance with Regulations:

The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

#### 2. Non-discrimination:

The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

#### 3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment:

In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national oriain.

#### 4. Information and Reports:

The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.

#### 5. Sanctions for Noncompliance:

In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:

#### A PLANNING ORGANIZATION SERVING

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- a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
- b. cancelling, terminating, or suspending a contract, in whole or in part.

#### 6. Incorporation of Provisions:

The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### Appendix B of the Title VI Assurances

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

#### Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

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- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED, WHICH PROHIBITS YOU FROM DISCRIMINATING BECAUSE OF SEX IN EDUCATION PROGRAMS OR ACTIVITIES (20 U.S.C. 1681 ET SEQ).

A PLANNING ORGANIZATION SERVING FARGO, WEST FARGO, HORACE, CASS COUNTY, NORTH DAKOTA AND MOORHEAD, DILWORTH, CLAY COUNTY, MINNESOTA

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EXHIBIT C

### CURRENT FEDERAL CLAUSES

A planning Organization Serving Fargo, West Fargo, Horace, Cass County, North Dakota and Moorhead, Dilworth, Clay County, Minnesota

#### **Federal Clauses**

Equal Employment Opportunity Clause - 41 CFR 60-1.4(a) and 2 CFR Part 200 Appendix II (C)

#### 41 CFR 60-1.4(a)

- (a) Government contracts. Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):during the performance of this contract, the contractor agrees as follows:
  - (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
  - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
  - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
  - (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the secretary of labor.
  - (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
  - (6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the secretary of labor, or as otherwise provided by law.

# **Brady**Martz

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the secretary of labor as a means of enforcing such provisions including sanctions for noncompliance: *provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the united states to enter into such litigation to protect the interests of the United States.

#### 2 CFR Part 200 Appendix II (C)

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

#### Sanctions and Penalties for Breach of Contract - 2 CFR Part 200 Appendix II (A)

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

#### Termination for Cause and Convenience - 2 CFR Part 200 Appendix II (B)

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

#### Rights to Inventions Made Under a Contract or Agreement - 2 CFR Part 200 Appendix II (F)

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and

# **Brady**Martz

Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

#### Debarment and Suspension - 2 CFR Part 200 Appendix II (I)

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

#### Byrd Anti-Lobbying Amendment - 2 CFR Part 200 Appendix II (J)

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award. **METROCOG** Fargo-Moorhead Metropolitan Council of Governments Agenda Item 3b

Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.532.5100 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

To: Policy Board
From: Michael Maddox, AICP – Senior Transportation Planner
Date: February 10, 2023
Re: Metropolitan Transportation Plan (MTP) Amendment #3

Metro COG is processing an amendment to the MTP to address the application for STBG funding for three (3) projects (see below). These projects were not anticipated when the MTP was completed in 2019 and are examples of changing conditions that must be addressed throughout the planning, programming, and project development process.

- 17<sup>th</sup> Avenue South from University Drive to 25<sup>th</sup> Street (Fargo) Reconstruction of a one (1) mile segment of urban roadway. The project will also include construction of a new shared use path. The estimated total project cost is \$17,200,000.
- **9<sup>th</sup> Street NW from Main Avenue to 8<sup>th</sup> Avenue NW (West Fargo)** The project will reconstruct the existing rural asphalt section into a commercial/industrial concrete urban section. The estimated total project cost is \$7,600,00.
- Center Street NW from Main Avenue to 12 Avenue NW (West Fargo) The project will reconstruct the existing rural asphalt section into a commercial/industrial concrete urban section. The estimated total project cost is \$9,500,00.

As preservation projects, they are strongly supported by the goals and objectives of the MTP. Public participation for MTP amendments requires one public input meeting and a 15-day public comment period. The public input meeting will be held at the regularly scheduled Policy Board meeting on Thursday February 16, 2023 at 4:00pm. The public comment period will open Wednesday February 8, 2023 and will end 12:00 noon Friday **February 24, 2023**. Information about the MTP amendment is also available on Metro COG's website.

As of the writing of this memo, Metro COG staff have not received any comments on the addition of these three (3) projects to the MTP.

To maintain fiscal constraint of the MTP, an equivalent amount of funding for future projects must be removed when adding projects to the MTP. Below is a table showing the total STBG funding requested for the above-mentioned projects. Metro COG will present information about the proposed MTP amendment and its relationship to the financial constraints in the MTP at the Policy Board meeting.

Jurisdiction	Project Name	Project Limits	STBG Funding
Fargo	17 <sup>th</sup> Avenue South	University Drive	\$8,000,000
		25 <sup>th</sup> Street	
West Fargo	9 <sup>th</sup> Street North	Main Avenue	\$6,100,000
	West		
		8 <sup>th</sup> Avenue North	
West Fargo	Center Street	Main Avenue	\$7,600,000
		12 <sup>th</sup> Avenue North	
	Т	otal STBG Requested:	\$21,700,000

To add the above projects, the TTC recommends removing the below projects from the MTP to maintain fiscal constraint. The funding values for STBG have been deflated by 4.0% per year to equate to 2026 dollars.

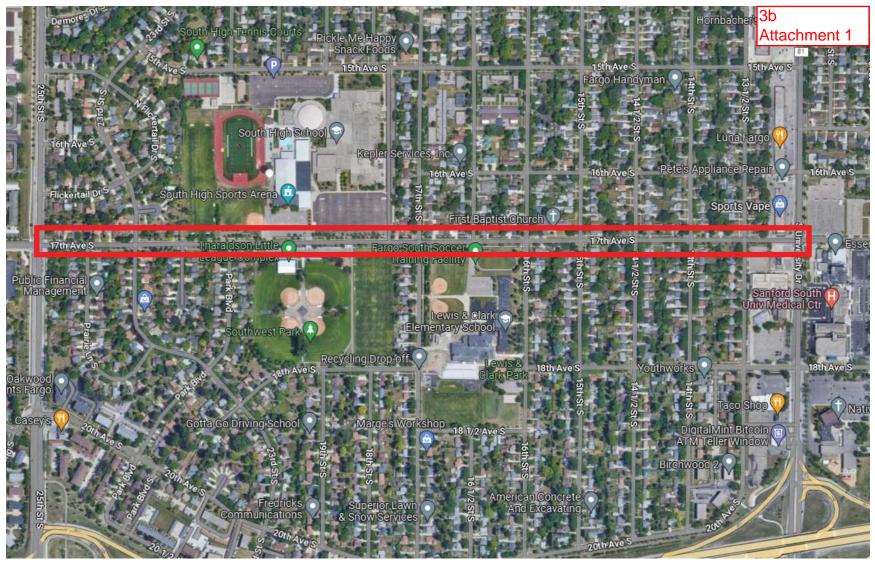
Jurisdiction	Project Name	Project Limits	STBG Funding			
Fargo	76 <sup>th</sup> Avenue South	45 <sup>th</sup> Street	\$8,629,361			
		I-29				
Fargo	76 <sup>th</sup> Avenue South	I-29	\$16,647,193			
		25th Street				
Total STBG Requested: \$25,276,554						

Attachments

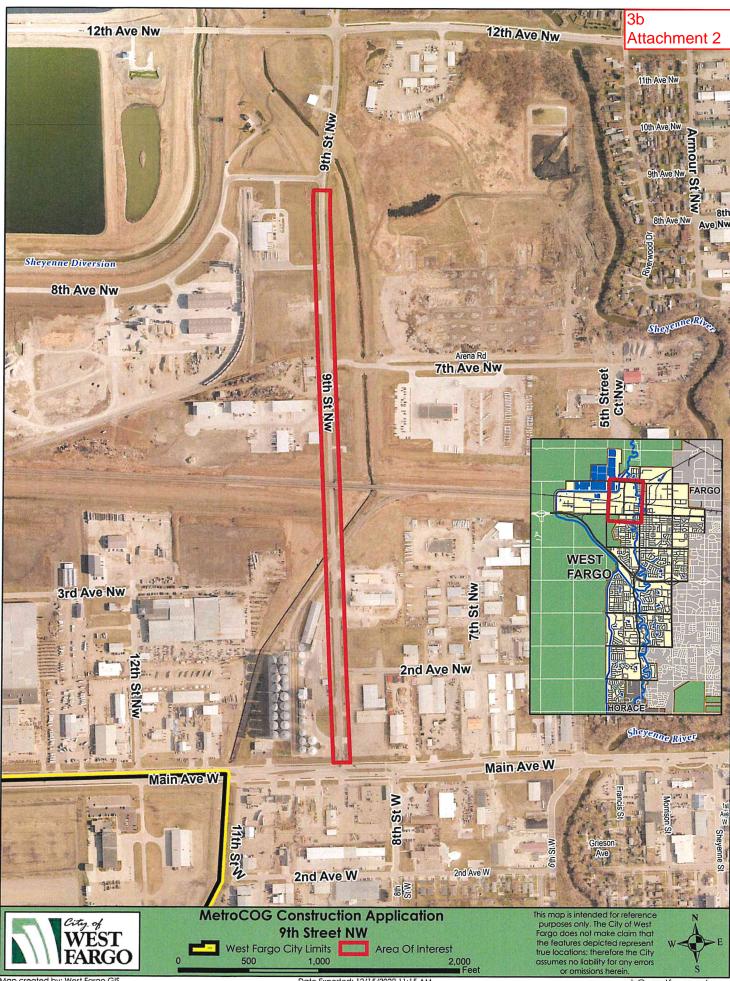
- 1. 17<sup>th</sup> Avenue S Project Location Map
- 2. 9<sup>th</sup> Street NW Project Location Map
- 3. Center Street Project Location Map
- 4. MTP Future Roadway Plan Map

At their February 9 meeting, the Transportation Technical Committee recommended Policy Board approval of the proposed MTP Amendments.

## Requested Action: Pending public comments, approval of the proposed Amendment #3 to the Metropolitan Transportation Plan (MTP).



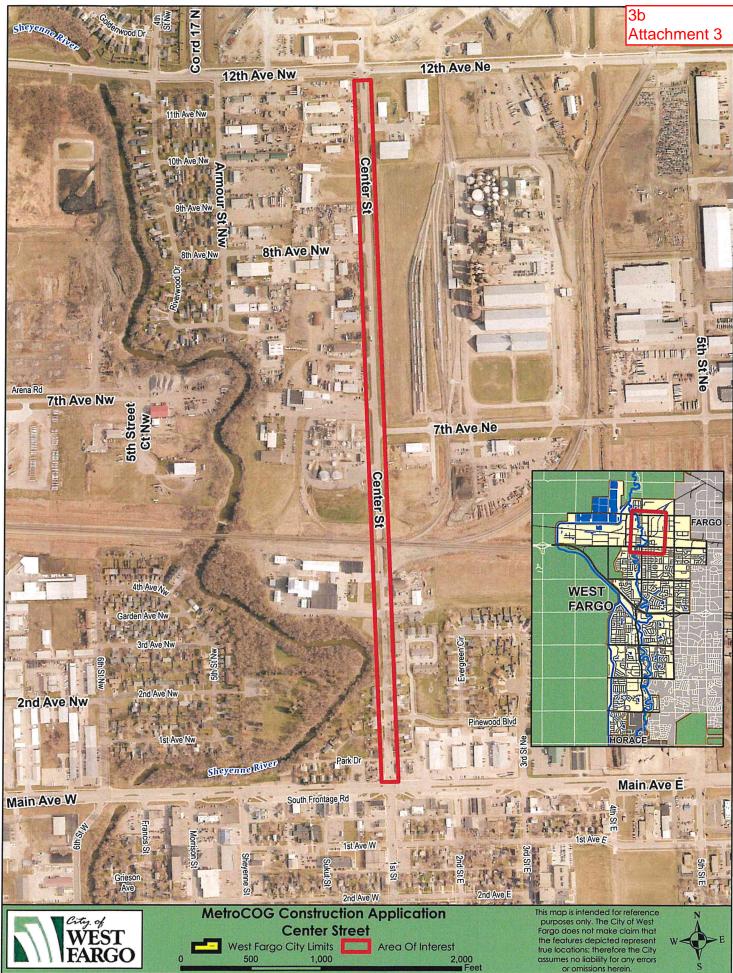
17th Avenue South from University Drive to 25th Street Fargo STBG Application



Map created by: West Fargo GIS

gis@westfargond.gov

Date Exported: 12/15/2022 11:15 AM



Map created by: West Fargo GIS

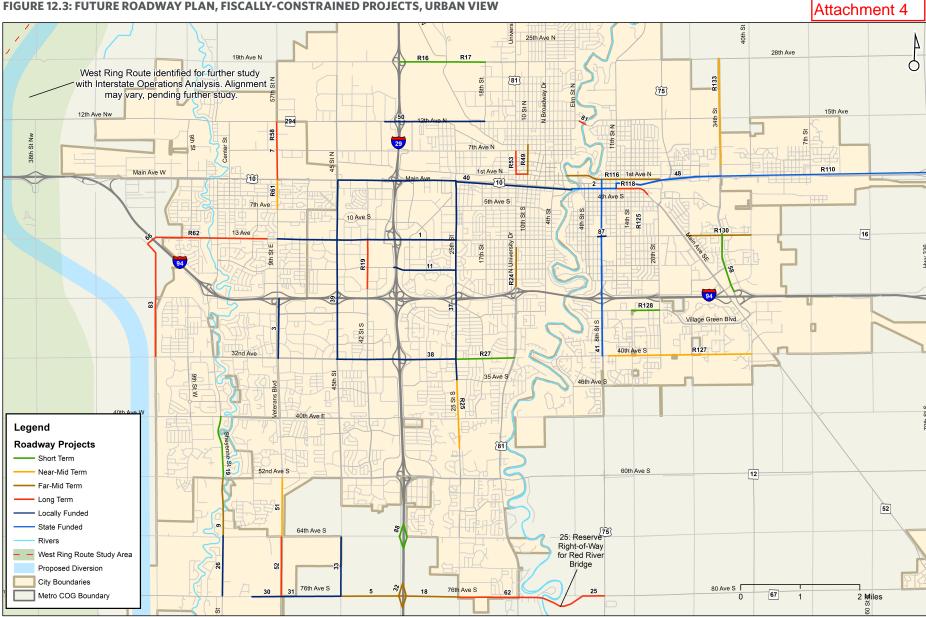
gis@westfargond.gov

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3b

#### FIGURE 12.3: FUTURE ROADWAY PLAN, FISCALLY-CONSTRAINED PROJECTS, URBAN VIEW





Agenda Item 3c

Fargo, North Dakota 58102-4807 p: 701.232.3242 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocoa.ora

Case Plaza Suite 232 | One 2nd Street North

# **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

To: Policy Board From: Paul Bervik, Assistant Transportation Planner Date: March 10, 2023 2023-2026 Transportation Improvement Program (TIP) Amendment 4 Re:

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) will hold a virtual public meeting via Zoom Video Communications on Thursday, February 16, 2023 at 4:00 p.m. to consider public comments regarding a proposed amendment to the 2023-2026 Transportation Improvement Program (TIP) for the FM Metropolitan Area. The proposed amendment to the 2023-2026 TIP reflects modified federally funded projects within the Metropolitan Planning Area (MPA).

A public notice was published in The Forum of Fargo-Moorhead on Wednesday, February 1, 2023, which advertised the public meeting, detailed how to request more information, and provided information on how to make public comment regarding the proposed amendment. The public notice advertised that public comments will be accepted until 12:00 p.m. (noon) on Thursday, February 16, 2023. As of the writing of this memo, no written comments have been received.

The proposed amendment to the 2023-2026 TIP is as follows:

- 1. Modification of Project 9220009: Mill and overlay of ND 18N from Leonard to Casselton (2023). The project cost decreased by 48.6%. Federal and state funding adjusted accordingly.
- 2. Modification of Project 9231006: Chip seal coat on US-81 (19th Avenue North) from Dakota Drive to I-29 (2023) in Fargo, ND. The project cost decreased by 28.8%. Federal, state, and local funding adjusted accordingly.
- 3. Modification of Project 9162668: Reconstruction of Main Avenue in Fargo, ND from University Drive to 25<sup>th</sup> Street (2026) by NDDOT. The project year shifted from 2024.

See Attachment 1 for more detailed project information.

Attachment 2 is included for your information. This shows Administrative Adjustment 1 that was incorporated on Thursday February 2, 2023.

Requested Action: Approve Amendment 4 of the Metro COG 2023-2026 Transportation Improvement Program (TIP).

												, addimon
Lead Agency	Metro COG ID State Number		Project Location	Length	Project From	: Limits To	Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
mendment 4 - 2023					•			•			-	
kisting projects with	a change in cost						1			T		<b>.</b>
NDDOT	9220009 23656	2023	ND 18N	19.2	W Jct 46 Leonard	Casselton	Mill and Overlay	Rehabilitation	\$4,848,200 <del>\$3,262,000</del>	IM	State	\$3,878,560 <del>\$2,640,000</del> \$969,640 <del>\$622,000</del>
	0221005							¢74.200	NHU		\$57,622.16 \$80,930	
NDDOT	9231006 23844	2023	US-81 (19th Avenue N)	0.7581	Dakota Drive	I-29	Chip Seal Coat	Rehabilitation	\$71,200 <del>\$100,000</del>		State	\$6,457.84 <del>\$9,070</del>
										Local	\$7,120.00 <del>\$10,000</del>	
mendment 4 - 2023												
xisting projects with	a non-cost chang	ge			r		1	1				<del></del>
										NHS-U		\$8 360 018

NDDOT	9162668 2026 23199 <del>202</del> 4	Main Ave	1.0	University	25th St	Reconstruction of Main Ave	Reconstruction	\$15,412,522	NHS-U	State Local	\$8,369,948 \$1,226,416 \$5,816,158
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Agenda Item 3-c Attachment 1



Attachment 2 Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.532.5100 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

Agenda Item 3-c

To: Cognizant Agencies From: Michael Maddox, AICP

Date: January 20, 2023

Administrative Adjustment #1 to the 2023-2026 Transportation Improvement Re: Program (TIP) for the Fargo-Moorhead Metropolitan Area

The purpose of this memo is to inform you that the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has completed Administrative Adjustments to the projects below in the 2023-2026 Transportation Improvement Program (TIP). Based on the policies pertaining to amendment and administrative adjustments in Section 10 of the Metro COG 2023-2026 TIP, no formal MPO action is required for Administrative Adjustments. This memo summarizes the changes made to the Metro COG 2023-2026 TIP based upon updated project awards, project cost estimates, and technical corrections. The attached project table shows the updated projects included in this Administrative Adjustment.

- 1. Modification of Project 8233026: Improving interchange lighting on I-94 at exits 22, 24, 32, 38, 55, 67, 77(2024) by MNDOT. Change in project description.
- 2. Modification of Project 5233024: Purchase of an Advanced Traffic Management Software (ATMS) and a computer and screens to monitor the system for Moorhead, MN (2023) by City of Moorhead. Change in project description.
- 3. Modification of Project 9233027: Rehabilitating the bridge deck of the Cass County Legal Drain 14 crossing on 37<sup>th</sup> Street NE (2023) by NDDOT. Updating the Funding Source.
- 4. Modification of Project 8210019: Construction of 11th Street Grade Separation in Moorhead, MN (2023) by MNDOT. Updating State Funding Source.
- 5. Modification of Project 8230004: Preliminary Engineer for 11<sup>th</sup> Street Grade Separation in Moorhead, MN (2023) by MNDOT. Updating State Funding Source.
- 6. Modification of Project 5200003: Operating Assistance for Moorhead Transit (2023) by MNDOT. Updating State Funding Source.
- 7. Modification of Project 5220032: Paratransit Operating Assistance for Moorhead Transit (2023) by MNDOT. Updating State Funding Source.
- 8. Modification of Project 8200011: Mill and overlay of MN 9 from Barnesville to I-94 (2023) by MNDOT. Updating State Funding Source.
- 9. Modification of Project 8230002: Preliminary Engineer for 11th Street Grade Separation in Moorhead, MN (2023) by MNDOT. Updating State Funding Source.

The above adjustment is pursuant to Section 10 of the Metro COG 2023-2026 TIP which states the following applicable reasons to perform an administrative adjustment:

• The change does not impact fiscal constraint

No changes with this administrative adjustment impacted cost or cost breakdown, therefore fiscal constraint is maintained.

Thank you for your attention to this matter. Please contact me at (701) 532-5104 if you have any questions.

Sincerely,

Michael Maddox Senior Transportation Planner Fargo-Moorhead Metro COG

Attached: (1) 2023-2026 TIP Administrative Adjustment #1 Project List

Lead Agency	Metro COG ID State Number	-	Project Location	Length	Project From	t Limits To	Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
City of Moorhead	5233024 1401-203	2023	Moorhead				**CRP**CITY OF MOORHEAD: PURCHASE SOFTWARE FOR ADVANCED TRAFFIC MANAGEMENT SOFTWARE (ATMS) AND ASSOCIATED HARDWARE Purchase of an Advanced Traffic Management Software (ATMS)- and a computer and screens to monitor the system.	Safety	\$60,000	CRP	Local	\$50,000 \$10,000
MNDOT	8233026 5690-152	2024	I-94 Various Locations				ON 194, INTERCHANGE LIGHTING AT EXIT 22, 24, 32, 38, 55 <del>56</del> , 67, 77 (22 and 24 are within the MPA)	Safety	\$1,200,000	HSIP	State	\$960,000 \$240,000
NDDOT	9233027 23628	2023	2.5 Miles East of Mapleton on the Frontage Road South of I-94		NE and Cass	of 37th Street County Legal n 14	Bridge Deck Replacement (#0010-013.192)	Rehabilitation	\$528,500	BRO IM	State	\$422,800 \$105,700
MnDOT	8210019 1401-177	2024	US 10 & 11th St		8th St	14th St	**B2020**INNO**: On US 10, From 8th Street to 14th Street, Construct New Underpass Under BNSF RR in Moorhead (Associated to 144-010-020)	Reconstruction	\$75,500,000	STBGP-U	State State Bond Local	\$8,642,000 \$66,358,000 \$500,000
MnDOT	8230004 1401-177PE1	2024	US 10 & 11th St		8th St	14th St	**B2020**: On US 10, From 8th Street to 14th Street, Preliminary Engineering New Underpass Under BNSF RR in Moorhead (Associated to 144-010-020)	Preliminary Engineering	\$500,000		State <del>State Bond</del>	\$500,000
Moorhead Transit	5200003 TRF-0034-23E	2023	Transit				Sect 5307: City of Moorhead, Operating Assistance	Transit Operations	\$4,039,990	FTA 5307	State <mark>State Bond</mark> Local	\$931,512 \$2,192,480 \$915,998
Moorhead Transit	5220032 TRF-0034-23F	2023	Transit				City of Moorhead, Paratransit Operating Assistance	Transit Operations	\$709,651	FTA 5307	State <mark>State Bond</mark> Local	\$73,058 \$530,145 \$106,448
MNDOT	8200011 1409-25	2023	MN 9	2.1	Barnesville	1-94	On MN 9, In Barnesville to I-94, Reconstruct, Mill and Overlay, Multi-Use Trail, and ADA Improvements (Associated with project 2200033) (Includes SP#1408-13)	Rehabilitation	\$5,757,000	STBGP-R	State <mark>State Bond</mark> Local	\$3,818,552 \$954,638 \$983,810
MNDOT	8230002 1401-177PE	2023	US 10 & 11th St		8th St	14th St	**B2020**: ON US 10, FROM 8TH STREET TO 14TH STREET, PRELIMINARY ENGINEERING NEW UNDERPASS UNDER BNSF RR IN MOORHEAD (ASSOCIATED TO 144-010-020)	Preliminary Engineering	\$1,500,000		State <del>State Bond</del>	\$1,500,000

Agenda Item 3-c Attachment 2 **METROCOG** Fargo-Moorhead Metropolitan Council of Governments Agenda Item 3d

Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.532.5100 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

To: Policy Board
From: Michael Maddox, Senior Transportation Planner
Date: February 10, 2023
Re: Surface Transportation Block Grant (STBG) Solicitation and Prioritization

In November, 2022, Metro COG began a solicitation for future projects to be funded with STBG funding in fiscal year (FY) 2026 and 2027. The application form was presented at the November TTC meeting and distributed to local jurisdictions following that meeting. Metro COG staff followed up by requesting meetings with each jurisdiction to discuss the application form and the process of project solicitation. Thank you to those of you who responded and made time to meet with us to go over the application and discuss your ideas.

As explained in the solicitation and during the meetings, this is the initiation of Metro COG's responsibility to work with all of you to program projects after we are designated as a Transportation Management Area (TMA), which is expected to occur by Oct 1, 2023.

Metro COG followed up with all local jurisdictions after the initial distribution of the solicitation materials to allow for an extension of the deadline. This was done at the request of the City of Fargo due to the desire to solidify cost estimates and bring the project proposals and applications to various internal committees as well as bring the applications to the City Commission for review, recommendations, and approval. The deadline was changed from January 12, 2023 to January 24, 2023 to allow for the additional local review, and this was communicated to all jurisdictions via email on December 16, 2022.

**Tables 1, 2, and 3** summarize the funding requests received through Metro COG solicitation of projects for FY 2026 and FY 2027 both for North Dakota and Minnesota.

Table 1: ND FY 2026 Project Funding Requests

	Jurisdiction	Project Name	Project Limits	STBG Funding
ND 2026	Fargo	32 <sup>nd</sup> Avenue	University Drive 22 <sup>nd</sup> Street	\$3,118,000
	Fargo	Broadway Bridge		\$5,400,000 (\$4.2M Existing) (\$1.2M Request)
	Fargo	40 <sup>th</sup> Avenue Ped Bridge		\$1,760,000
	West Fargo	9 <sup>th</sup> Street North West	Main Avenue 8 <sup>th</sup> Avenue North	\$6,100,000

#### Table 2: ND FY 2027 Project Funding Requests

	Jurisdiction	Project Name	Project Limits	STBG Funding
ND 2027	Fargo	40 <sup>th</sup> Avenue Ped Bridge		\$2,400,000
	Fargo	17 <sup>th</sup> Avenue South	University Drive 25 <sup>th</sup> Street	\$8,000,000
	West Fargo	Center Street	Main Avenue 12 <sup>th</sup> Avenue North	\$7,600,000
	West Fargo	Sheyenne Street	40 <sup>th</sup> Avenue South 52 <sup>nd</sup> Avenue South	\$8,800,000
	West Fargo	52 <sup>nd</sup> Avenue South	Sheyenne Street City Limits	\$12,000,000

Table 3: MN FY 2027 Project Funding Requests

	Jurisdiction	Project Name	Project Limits	STBG Funding
MN 2027	Moorhead	11 <sup>th</sup> Street Grade Separation		\$1,071,608

The TTC was asked to prioritize the projects that were submitted and to assign STBG funding to each of the projects within the limits of the funding that is projected to be available in each federal fiscal year. After much discussion, the TTC voted to recommend the specified funding amounts to each of the following projects as indicated in **Tables 4**, **5**, **and 6**:

#### Table 4: ND FY 2026 Funding Recommendations

	Jurisdiction	Project Name	Project Limits	STBG Funding
ND 2026	Fargo	32 <sup>nd</sup> Avenue	University Drive 22 <sup>nd</sup> Street	\$4,878,064
	Fargo	Broadway Bridge		\$5,400,000
	Fargo <u>(Pending 2026)</u>	17 <sup>th</sup> Avenue South	University Drive 25 <sup>th</sup> Street	\$6,324,210

Table 5: ND FY 2027 Funding Recommendations

	Jurisdiction	Project Name	Project Limits	STBG Funding
ND 2027	Fargo	40 <sup>th</sup> Avenue Ped Bridge		\$4,160,000
	West Fargo (Pending 2027)	9 <sup>th</sup> Street North West	Main Avenue 8 <sup>th</sup> Avenue North	\$6,100,000

Table 6: MN FY 2027 Funding Recommendations

	Jurisdiction	Project Name	Project Limits	STBG Funding
MN 2027	Moorhead	11 <sup>th</sup> Street Grade Separation		\$1,071,608

Those projects identified as "Pending" would be available for federal funding if other projects in the fiscal year were to drop off or be delayed. If no projects drop off or are delayed, the "Pending" projects would then be funded in the next fiscal year. This is done so that Metro COG can ensure that it expends its STBG suballocation within the specified time constraints in order to not lose that federal funding. Projects receiving federal funding go through a lengthy multi-year development process. If either that process or inaccurate cost estimates delay the construction of the project, alternative projects must be developed and ready to receive that federal funding.

All of the projects submitted for STBG funding are consistent with the goals, objectives, and policies of the Metro COG Metropolitan Transportation Plan (MTP), Metro Grow: 2045 Fargo-Moorhead Transportation Plan. However, as discussed in the previous agenda item, three reconstruction projects (9<sup>th</sup> Street NW, Center Street, and 17<sup>th</sup> Avenue South) are not currently in the MTP and are in the process of being added through an amendment. Even if these projects are not selected for STBG funding in this cycle of solicitation, it is advantageous to get them into the MTP since they have been identified as needed preservation projects.

Metro COG is asking the Policy Board to consider the TTC's recommended funding scenario as listed in **Tables 4**, **5**, **and 6**. The Policy Board has the option to accept the findings of the TTC, or it also has the option to develop its own list of project priorities and direct funding to those projects as it sees fit. After action by the Policy Board, those projects (including associated funding amounts) will be sent to NDDOT for inclusion in the 2024-2027 STIP and Metro COG's 2024-2027 TIP.

We cannot stress the following points enough:

- Projects selected for funding must be feasible and unlikely to be delayed or deemed infeasible as they go through project development and design due to environmental, geotechnical, or permitting issues.
- Projects must be eligible for federal funding, and must have enough federal eligibility to accept the amount of funding directed to the project.
- Cost estimates must be carefully thought through and as accurate as possible to avoid delays due to higher-than-estimated costs and unavailability of sufficient funds. Since Metro COG's urbanized area will receive a finite amount of funding, the federal funding is, in essence, capped for each project, meaning higher costs will need to be covered by the local government.
- Priority projects that are designated as "Pending" should still enter the project development process as federally funded projects to ensure that we can move them into the TIP for funding if another project is delayed.

#### **Attachments**

1. STBG Solicitation \_ Project Information

## Requested Action: Approval of the 2026 and 2027 STBG funding priorities as recommended by the Transportation Technical Committee.

#### -OR-

Approval of an alternate 2026 and 2027 STBG funding priorities as discussed.

**METROCOG** Fargo-Moorhead Metropolitan Council of Governments

Agenda Item 3e

Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.232.3242 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

To:Policy BoardFrom:Adam Altenburg, AICPDate:February 10, 2023Re:Electric Vehicle Readiness Study RFP

To prepare for a growing number of plug-in electric vehicles (PEVs) in the Fargo-Moorhead metropolitan area and to better understand the needs and impacts this will have on communities and local governments, Metro COG has prepared an RFP to develop a regional electric vehicle (EV) readiness study.

This study will provide local jurisdictions with a public understanding of EV feasibility and benefits, assist in identifying current and potential barriers to EV adoption, and inform cities, counties, and other planning partners on infrastructure-related best practices to meet the current and future EV needs of the metropolitan area. This is similar in scope to plans developed by cities and regional areas throughout the United States in recent years, which take an impartial look at EV trends and how best communities should lay the groundwork to become EV-ready. This study will also tie into recent National Electric Vehicle Infrastructure (NEVI) plans developed and completed by NDDOT and MnDOT, including goals, strategies, and key takeaways identified in each plan.

This consultant planning project was included in Metro COG's approved Unified Planning Work Program (UPWP) for 2023 with a budget of \$150,000. Eighty percent of funding for this study is expected to come from the Carbon Reduction Program (CRP), a federal formula program under the Bipartisan Infrastructure Law (BIL) and administered by the Federal Highway Administration (FHWA). The remaining \$30,000 would be a 20 percent local match. If necessary, Metro COG will add the project to the Transportation Improvement Program (TIP) once the RFP has been approved and before entering into a contract with a consultant.

Requested Action: Recommend Policy Board approval the Electric Vehicle Readiness Study RFP.

## FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

**REQUEST FOR PROPOSALS (RFP)** 

PROJECT NO. 2023-204

## **ELECTRIC VEHICLE READINESS STUDY**

February, 2023

APPROVED:



## **REQUEST FOR PROPOSALS (RFP)**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is seeking requests for proposals from qualified consultants for the following:

## Electric Vehicle Readiness Study

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an in-person or virtual interview. Upon completion of technical ranking and interviews, Metro COG will enter into negotiations with the top ranked firm. **Sealed cost proposals shall be submitted with the RFP**. The cost proposal of the top ranked firm will be opened during contract negotiations. Those firms not selected for direct negotiations will have their unopened cost proposals returned. Metro COG reserves the right to reject any or all submittals. This project will be funded, in part with federal transportation funds and has a not-to-exceed budget of **\$150,000**.

Interested firms can request a full copy of the RFP by telephoning 701.532.5100, or by email: <u>metrocog@fmmetrocog.org</u>. Copies will be posted on the North Dakota Department of Transportation QBS website (<u>https://www.dot.nd.gov</u>) and are also available for download in .pdf format at <u>www.fmmetrocog.org</u>.

All applicants must be prequalified with the North Dakota Department of Transportation (NDDOT). If not prequalified with the NDDOT, applicants will be required to submit a completed Standard Form 330 (Exhibit D) with their submittal of information.

All proposals received by **4:30 p.m. on Friday, March 24, 2023** at Metro COG's office will be given equal consideration. Respondents must submit one (1) PDF of the proposal, and one (1) sealed hard copy of the cost proposal. The full length of each proposal should not exceed thirty (30) pages; including any supporting material, charts, or tables.

A PDF of the proposal may be emailed or delivered by USB. Hard copies of sealed cost proposals shall be delivered to the contact below:

Adam Altenburg, AICP Fargo-Moorhead Metropolitan Council of Governments One 2<sup>nd</sup> Street North, Suite 232 Fargo, ND 58102-4807 <u>altenburg@fmmetrocog.org</u> 701.532.5105

Fax versions will not be accepted as substitutes for hard copies. Once submitted, the proposals will become the property of Metro COG.

**Note:** The document can be made available in alternative formats for persons with disabilities by contacting Savanna Leach, Office Manager at 701.532.5100 or <u>leach@fmmetrocog.org</u>.

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### I. Agency Overview

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) serves as the Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo, North Dakota – Moorhead, Minnesota metropolitan area. As the designated MPO for the Fargo-Moorhead metropolitan area, Metro COG is responsible under federal law for maintaining a continuous, comprehensive, and coordinated transportation planning process.

Metro COG is responsible, in cooperation with the North Dakota and Minnesota Departments of Transportation (NDDOT and MnDOT, respectively) and local planning partners, for carrying out the metropolitan transportation planning process and other planning issues of a regional nature. Metro COG represents eleven cities and portions of two counties that comprise the Metro COG region in these efforts.

#### II. Purpose of Request

To prepare and guide electric vehicle (EV) implementation in the Fargo-Moorhead metropolitan area, Metro COG is seeking proposals to develop an Electric Vehicle Readiness Study. The study is intended to assist in coordinating the implementation and siting of appropriate Plug-in Electric Vehicle (PEV) charging infrastructure and inform jurisdictions, government agencies, and other partners in PEV infrastructure-related best practices and funding opportunities to meet the electric vehicle needs of the metropolitan area and its future growth.

## III. Project Background and Project Objective

Electric vehicles are gaining traction among consumers, governments, and automakers as battery prices fall and the benefits of EVs increase. Since 2016, virtually every major automobile manufacturer has announced plans to transition to electric or plug-in hybrid vehicles. As cities and regions look to capitalize on the opportunity that EVs can bring, from lower maintenance costs for consumers to better air quality for residents, they also must lay the groundwork for their communities to become 'EV-ready'.

With battery prices coming down, EVs are already among the lowest total cost of ownership vehicles in the passenger car market and will continue to become more affordable for the average consumer. Moreover, EVs can help cities and regions meet air quality goals, save money in city fleets, limit consumer shock to volatile oil and gasoline prices, and more. In an era where an increasing number of cities are setting local goals for reducing energy use and greenhouse gas emissions, facilitating EV deployment is becoming a vital tool in cities' toolbox to achieve energy and sustainability goals. However, more EVs on the road will require more infrastructure and support, and cities and regional areas will play a huge role in shaping this future.

The objective of this report is to make the Fargo-Moorhead metropolitan area EV ready by developing a vision for electric vehicle readiness, identifying key partnerships and actionable strategies, and facilitating community support for EVs.

#### IV. Scope of Work and Performance Tasks

Metro COG is seeking a consultant that can not only provide the typical qualifications necessary in the development of the Electric Vehicle Readiness Study but also has the ability to provide pro-activeness, vision, innovation, and collaboration in examining and proposing EV strategies and recommendations.

Outlined below is the scope of work that will guide the development of the Electric Vehicle Readiness Study. Metro COG has included the following scope of work to provide interested consultants insight into project intent, context, coordination, responsibilities, and other elements to help facilitate proposal development.

This outline is not necessarily all-inclusive and the consultant may include in the proposal any additional performance tasks that will integrate innovative approaches to successfully complete the report. At a minimum, the consultant shall be expected to establish detailed analyses, assessments, and recommendations for the following tasks:

**Task 1: Project Structure and Work Plan.** Building on the scope of work presented in their proposal, and incorporating any relevant changes made during contract negotiations, the consultant will prepare a detailed work plan and the achievable timeline for the Electric Vehicle Readiness Study anticipated to be completed by March 2024. The work plan will outline the overall approach, as well as specific actions and activities that will occur during the project and how these will result in a successful conclusion to the study.

Task 2: Project Management and Coordination. The consultant shall be required to manage the study and coordination with any subconsultants, as well as bear responsibility for all documentation and equipment needs. The consultant will identify a project lead from their team to act as the direct point of contact for Metro COG's project manager.

This task will also include regular progress meetings with Metro COG, the preparation of monthly progress reports, documentation of travel and expense receipts, and the preparation and submission of invoices. When submitting progress reports, the consultant will be required to outline the following:

- Performed work;
- Upcoming tasks or milestones;
- Status of scope and schedule; and
- Any issues to be aware of.

Development of the Electric Vehicle Readiness Study will be guided by a Study Review Committee (SRC), which will provide oversight and input into study assessments, analyses, policies, and recommendations. The consultant should expect up to five (5) meetings with the SRC.

The consultant shall be responsible for the preparation and coordination of all data collection, data analysis, technical memorandum, and draft documents for the SRC. Metro COG shall be responsible for coordinating and scheduling SRC meetings and assisting the consultant in developing agendas. The consultant will be expected to work closely with Metro COG on the coordination and distribution of materials to the SRC as applicable to consultant work tasks, as well as be responsible for the recording of meeting minutes.

The SRC is scheduled to be comprised of representatives from each of Metro COG's seven primary jurisdictions: Fargo, West Fargo, Horace, and Cass County, ND; and Moorhead, Dilworth, and Clay County, MN. Metro COG will look to the consultant for guidance on including other SRC members whose consistent input and feedback may be valuable, including potential stakeholders identified in Task 3 (see below). The proposal should describe if input from these or other entities would be better as SRC members or stakeholder groups.

Task 3: Public Involvement and Stakeholder Consultation. In compliance with Metro COG's adopted Public Participation Plan (PPP), the consultant will develop and implement a community engagement program that seeks to gain input from community members from across the Fargo-Moorhead metropolitan area. At minimum, the community engagement program should address the following:

- Engagement strategies and activities tied back to reaching identified stakeholder groups;
- Timeline for community engagement activities and desired type of community feedback;
- Communication methods for sharing information with residents, businesses, and community members; and
- Strategy for effective and consistent messaging.

The consultant will conduct outreach with stakeholders to identify existing conditions, obstacles to, and opportunities for increased use of EVs and EV infrastructure in the Fargo-Moorhead metropolitan area.

Initial stakeholder outreach may include interviews with city and county departments, transit agencies, automobile dealerships, local groups with EV interest and ownership, representatives of other transportation-related stakeholder groups, utility providers, and technical experts. The consultant will facilitate all stakeholder activities.

In addition to stakeholder consultation, the consultant shall facilitate, at minimum, one (1) general public involvement meeting. This shall be done in addition to joint outreach efforts with MnDOT's completed 2022 Electric Vehicle Infrastructure Plan tentatively scheduled for May 2023. The consultant should also consider opportunities for pop-up meetings that coincide with scheduled summer and/or fall community events in the Fargo-Moorhead metropolitan area.

Online community engagement software, tools, or surveys may be utilized in order to provide a robust and well-rounded engagement experience.

It is imperative that the community is informed of planning activities and outcomes using strategies that include the use of the internet and social media. Providing information to Metro COG for posting on their website and other social media platforms will be required.

The consultant is encouraged to review <u>Promising Practices for Meaningful Public</u> <u>Involvement in Transportation Decision-Making</u> for additional insights.

Task 4: Identification of Desired Outcomes, Vision, and Goals. Early in the study, the consultant shall work with the SRC to determine the desired outcomes of the study, the vision for the region relative to the integration of EVs, and goals for regional readiness to support the vision. The vision and goals are likely to evolve throughout the study process, but ultimately will guide the team toward actionable strategies, as described in subsequent tasks.

**Task 5: Assessment.** Assessment is needed to outline existing conditions in the Fargo-Moorhead metropolitan area, identify critical barriers and gaps, identify key needs, identify potential programs and partnerships, and provide background for report development. Knowledge of EV infrastructure, trends, and research is critical to inform this assessment.

This task shall include the review of pertinent local and regional plans to provide a community context and description of how the study aligns with or connects to other community goals, plans, and priorities. Strategies and goals of North Dakota's and Minnesota's Electric Vehicle Infrastructure Plans shall also be acknowledged and incorporated where applicable.

This task shall also include the evaluation of existing conditions, including the collection and assessment of existing PEV data, forecasts, and tools, and work to adapt them to Metro COG's metropolitan planning area. It shall include identification and description of current PEV charging infrastructure and existing PEV and EV services, available technologies, and best practices.

The consultant will perform needs and gaps research to identify barriers to PEV usage, including barriers in the areas of policy, infrastructure, services, land use and zoning, parking, building and development codes, permitting and inspection, procurement, training and education, coordination, and funding.

The consultant shall identify opportunities to support PEV usage, including partnerships, procurement, incentives, electric rate structures, non-financial public sector incentives and programs, outreach to local businesses and residents, funding, and market-based and other approaches.

**Task 6: Equity Analysis.** The consultant shall assess equitable access to EV infrastructure and services in the Fargo-Moorhead metropolitan area. Opportunities to increase equitable access to EV infrastructure and services for traditionally underserved residents, such as multifamily housing residents, renters, lower-income residents, non-native English speakers, and BIPOC, must be analyzed for incorporation into the vision, goals, and action-based strategies.

Task 7: Identification of Infrastructure and Service Needs. The consultant shall develop a charging infrastructure plan for the Fargo-Moorhead metropolitan area that recommends potential upgrades, analyzes options for EV charging station locations based on current demand, and anticipated demand growth within existing infrastructure in both developed and newly developing areas of the metropolitan area. The plan shall also distinguish between public and private opportunities, determines appropriate equipment types and charging speeds for each recommended location, and provides cost estimates for recommended improvements.

The infrastructure plan should provide an analysis of the potential grid impacts of EVs, address electricity rate structures, identify battery and other options needed to manage demand charge, and summarize predominant concerns and issues as well as preferred alternatives.

The consultant shall also identify needed services, such as local EV sales and services, among other desirable services, to support widespread EV usage and recommend methods to address, deliver, or incentivize solutions to ensure the development of any missing vital services.

Task 8: Strategies and Recommendations. The consultant shall identify barriers to and methods of increasing EV usage by residents and in public and private fleets, identify opportunities such as smart charging, renewable energy, and battery storage to optimize grid capacity, analyze innovative charging options (e.g. curbside, streetlight, solar, and wireless) and their applicability in the Fargo-Moorhead metropolitan area. The consultant shall also investigate opportunities to partner with regional organizations and entities to increase EV usage and opportunities.

The consultant shall make recommendations for implementation options by key stakeholders (such as state and local governments and public-private partnerships) and other actions to further develop EV readiness and support current and future implementation. Strategies should include estimated deployment to meet the increasing demand and codes or ordinances needed.

Recommendations shall strive to advance EV usage, leverage existing plans and data sources, and lead to widespread deployment of public and private PEV infrastructure. Specific recommendations should address infrastructure, services, policies, programs, partnerships, leading by example, funding, and guidance.

**Task 9: Funding Guidance.** The consultant shall identify existing and potential funding opportunities, incentives, and rebates, including grants and funding sources for EV usage and implementation of strategies and recommendations. This may include local funds, public and private grants, and other funding mechanisms.

The consultant shall also research and recommend utility payment methods for PEV customer usage of public charger ports to recover costs and generate revenue. This includes developing guidance in regard to the implementation of PEV-related codes or ordinances. The consultant shall identify cost-effective strategies for jurisdictions to support EV charging on municipal property and the public right-of-way for fleet and/or public use and analyze factors such as ownership models, parking and charging fees, infrastructure costs, operations and maintenance costs, Low Carbon Fuel Standard credits, utility demand charges, and synergies with other alternative transportation efforts. New or complementary technologies including solar energy systems, battery storage, demand management systems, bidirectional charging, and possible integration with emerging autonomous vehicle (AV) technologies should be considered in funding guidance as well.

**Task 10: Implementation Plan.** The consultant shall develop timelines, estimated costs, and opportunities for funding, identify roles and responsibilities for Metro COG planning partners, stakeholders, potential partners, and the community, and metrics and/or performance targets to track performance. The implementation plan should include both immediate guidance and anticipated needs in five-year increments over the next 20 years.

Task 11: Administrative Draft and Final EV Readiness Plan. The consultant will prepare an administrative draft of the report for review and comment by the SRC. This draft is to be provided as an electronic PDF to SRC members. Comments received from the SRC will be incorporated into the final report.

Upon final review and consent by the SRC, the consultant will develop a final report that is visually appealing, easy for policymakers and stakeholders to understand, and communicates EV strategies and recommendations. The report should be able to be used both digitally and in hard copy format. This may take the form of separate print and web formats.

Specifically, the consultant should develop a final report that:

- Is organized and communicates a clear message both graphically and with accompanying text;
- Is easy to read and understand; and
- Explains key implications as they relate to infrastructure, services, policies, programs, partnerships, funding, and recommendations.

The consultant shall provide Metro COG with appropriate presentation materials for final review and approval of the Electric Vehicle Readiness Study by Metro COG's TTC and Policy Board. Metro COG shall be responsible for presenting and achieving final recommendations and approval of the study. If the consultant wishes to include assistance with the final approval process in their scope of work, this should be accounted for in the proposal.

Task 12: Executive Summary/Fact Sheet. Upon completion of the final report, the consultant shall develop a brief executive summary or fact sheet in PDF format which relays all pertinent information in an easy-to-follow format. The summary should be concise and highly graphic, highlighting major assumptions, strategies, and recommendations.

Task 13: Deliverables. Upon final completion, the consultant will be responsible for providing a high-resolution document in PDF format. The consultant is also expected to provide Metro COG with all data and study products. All meeting summaries and technical analyses should be included as an appendix of the study.

**NOTE:** If the consultant wishes to modify or include additional tasks deemed necessary to complete the study, this must be agreed to by Metro COG before issuing the notice to proceed.

## V. Implementation Schedule

#### 1) Consultant Selection.

Advertise for Consultant Proposals	2/21/2023
Deadline for RFP Clarifications/Questions	3/17/2023
Due Date for Proposal Submittals (by 4:30 p.m.)	3/24/2023
Review Proposals/Identify Finalists	(week of) 3/27/2023
Interview Finalists	(week of) 4/3/2023
Metro COG Board Approval/Consultant Notice	(week of) 4/17/2023
Contract Negotiations/Signed Contract	(week of) 4/24/2023
QBS Submittal and Approval	(week of) 5/1/2023
Notice to Proceed*	(week of) 5/8/2023
2) Project Development (Major Milestones).	
Project Start-Up/Mobilization	(week of) 5/8/2023
Draft Report Completed	February 2023
Final Report Received/Project Closeout	April 2024
Final Invoices Received	May 2024

\*Notice to Proceed shall not be issued until the consultant has provided all materials required for contracting, including but not limited to the Proposed Subconsultant Request form (SFN 60232 (9-2016) and Prime Consultant Request to Sublet form (SFN 60233 (9-2019) form, if applicable, and the Qualifications Based Selection documentation has been fully compiled by Metro COG and submitted to and approved by the North Dakota Department of Transportation.

### VI. Evaluation and Selection Process

**Selection Committee.** Metro COG will establish a selection committee to select a consultant. The selection committee will potentially consist of representatives from each of Metro COG's seven primary jurisdictions: Fargo, West Fargo, Horace, and Cass County, ND; and Moorhead, Dilworth, and Clay County, MN.

The consultant selection process will be administered under the following criteria:

- 20% The consultant's past experience with similar projects, including the consultant's ability, familiarity, and involvement in handling similar types of activities
- 20% Specific qualifications of the consultant's project manager and key staff's experience related to the development of similar studies
- 20% The consultant's project understanding, proposed project approach and methodology, project work plan, and project management techniques
- 20% The consultant's record of past performance on similar projects, including quality of work, ability to meet deadlines, and ability to control costs
- 20% Current workload and the availability of key personnel and other resources to perform the work within the specified timeframe

The selection committee, at the discretion of Metro COG and under the guidance of NDDOT policy, will entertain formal oral presentations for the top candidates to provide additional input into the evaluation process. Oral presentations will be followed by a question-and-answer period during which the selection committee may question the prospective consultants about their proposed approaches.

A consultant will be selected on April 20, 2023 based on an evaluation of the proposals submitted, the recommendation of the selection committee, and approval by Metro COG's Policy Board. Metro COG reserves the right to reject any or all proposals or to waive minor irregularities in said proposal, and reserves the right to negotiate minor deviations to the proposal with the successful consultant. Metro COG reserves the right to award a contract to the firm or individual that presents the proposal, which, in the sole judgement of Metro COG, best accomplishes the desired results.

The RFP does not commit Metro COG to award a contract, to pay any costs incurred in the preparation of the contract in response to this request, or to procure or contract for services or supplies. Metro COG reserves the right to withdraw this RFP at any time without prior notice.

All proposals, whether selected or rejected, shall become the property of Metro COG.

#### VII. Proposal Content and Format

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the consultant seeking to provide comprehensive services specified herein for Metro COG, in conformity with the requirements of the RFP.

The proposal should demonstrate qualifications of the firm and its staff to undertake this project. It should also specify the proposed approach that best meets the RFP requirements. The proposal must address each of the service specifications under the Scope of Work and Performance Tasks.

At minimum, proposals shall include the following information:

- 1) **Contact Information**. Name, telephone number, email address, mailing address, and other contact information for the consultant's project manager.
- 2) Introduction and Executive Summary. This section shall document the firm name, business address (including telephone, email address(es), year established, type of ownership and parent company (if any), project manager name and qualifications, and any major features that may differentiate this proposal from others, if any.
- 3) Work Plan and Project Approach Methodology. Proposals shall include the following, at minimum:
  - a) Detailed work plan identifying the major tasks to be accomplished relative to the requested study tasks and expected product as outlined in this RFP;
  - b) Timeline for completion of the requested services, including all public outreach and stakeholder meetings, identifying milestones for development of the project, and completion of individual tasks;
  - c) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past;
  - d) List of the proposed principal(s) who will be responsible for the work, proposed Project Manager, and project team members (with resumes);
  - e) Breakout of hours for each member of the team by major task area, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task. Note that specific budget information is to be submitted in a sealed cost proposal as described in Section IX: General RFP Requirements;
  - f) List of any subcontracted agencies, the tasks they will be assigned, the percent of work to be performed, and the staff that will be assigned;

- g) List of client references for similar projects described within the RFP;
- h) Required Disadvantaged Business Enterprise (DBE) and/or Minority Business Enterprise (MBE) Firms participation documentation, if applicable; and
- i) Ability of firm to meet required time schedules based on current and known future workload of the staff assigned to the project.
- 4) **Signature.** Proposals shall be signed in ink by an authorized member of the firm/project team.
- 5) **Attachments.** Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:

Exhibit A – Cost Proposal Form Exhibit B – Federal Clauses Exhibit C – SFN 60232: Proposed Subconsultant Request (if applicable)

#### VIII. Submittal Information

A PDF of the proposal may be emailed or delivered by USB. Sealed cost proposals shall be submitted as a hard copy Hard copies of sealed cost proposals shall be shipped to ensure timely delivery to the project manager as defined below:

Adam Altenburg, AICP Fargo-Moorhead Metropolitan Council of Governments One 2<sup>nd</sup> Street North, Suite 232 Fargo, ND 58102-4807 <u>altenburg@fmmetrocog.org</u>

All proposals received by **4:30 p.m. on Friday, March 24, 2023** at Metro COG's office will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to apply. Respondents must submit one (1) PDF copy of the proposal. The full length of each proposal should not exceed thirty (30) pages; including any supporting material, charts, or tables.

The consultant may ask for clarifications of the RFP by submitting written questions to the Metro COG project manager identified above. Questions regarding this RFP must be submitted no later than March 17, 2023. Metro COG reserves the right to decline a response to any question if, in Metro COG's assessment, the information cannot be obtained and shared with all potential firms in a timely manner. All questions and responses will be forwarded to applicants and posted on Metro COG's website on March 20, 2023.

### IX. General RFP Requirements

- 1) Sealed Cost Proposal. All proposals must be clearly identified and marked with the appropriate project name; inclusive of a separately sealed cost proposal per the requirements of this RFP. Cost proposals shall be based on an hourly "not to exceed" amount and shall follow the general format as provided within Exhibit A of this RFP. Metro COG may decide, in its sole discretion, to negotiate a price for the project after the selection committee completes its final ranking. Negotiation will begin with the Consultant identified as the most qualified per requirements of this RFP, as determined in the evaluation/selection process. If Metro COG is unable to negotiate a contract for services negotiations will be terminated and negotiations will begin with the next most qualified Consultant. This process will continue until a satisfactory contract has been negotiated. The sealed cost proposal is required to include the following documentation:
  - a) Documentation from the ND Secretary of State detailing the prime consultant is in good standing and is licensed to do business in the State of North Dakota;
  - b) Documentation that the prime consultant is registered with the ND Board of Registration; and
  - c) Documentation showing registration with the federal System for Award Management (SAM.gov) that the prime consultant has not been suspended, debarred, voluntarily excluded, or deterred ineligible.
- 2) Consultant Annual Audit Information for Indirect Cost. Consulting firms proposing to do work for Metro COG must have a current audit rate no older than fifteen (15) months from the close of the firms Fiscal Year. Documentation of this audit rate must be provided with the sealed cost proposal. Firms that do not meet this requirement will not qualify to propose or contract for Metro COG projects until the requirement is met. Firms that have submitted all the necessary information to Metro COG and are waiting for the completion of the audit will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify. Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit prior to the interview. This documentation should be attached with the sealed cost proposal. The submitted Indirect Rate MUST match the Indirect Rate on all invoicing.
- 3) **Debarment of Suspension Certification and Certification of Restriction on Lobbying.** See Exhibit B, Federal Clauses regarding Debarment of Suspension and Restriction on Lobbying.
- 4) **Respondent Qualifications.** Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the requested services within this RFP. Each respondent may also be required to show that similar work has been performed in a satisfactory manner and that no claims of

any kind are pending against such work. No proposal will be accepted from a respondent whom is engaged in any work that would impair his or her ability to perform or finance this work.

- 5) Disadvantaged Business Enterprise. Pursuant to Department of Transportation policy and 49 CFR Part 23, Metro COG supports the participation of DBE/MBE businesses in the performance of contracts financed with federal funds under this RFP. Consultants shall make an effort to involve DBE/MBE businesses in this project. If the Consultant is a DBE/MBE, a statement indicating that the business is certified DBE/MBE in North Dakota or Minnesota shall be included within the proposal. If the Consultant intends to utilize a DBE/MBE to complete a portion of this work, a statement of the Subconsultant's certification shall be included. The percent of the total proposed cost to be completed by the DBE/MBE shall be shown within the proposal. Respondents should substantiate (within proposal) efforts made to include DBE/MBE businesses.
- 6) US DOT Policy Statement on Bicycle and Pedestrian Accommodations. Consultants are advised to review and consider the US DOT Policy Statement on Bicycle and Pedestrian Accommodation issued in March of 2010 when developing written proposals.
- 7) North Dakota Department of Transportation Consultant Administration Services Procedure Manual. Applicants to this Request for Proposal are required to follow procedures contained in the NDDOT Consultant Administration Services Procedure Manual, which includes prequalification of consultants. Copies of the Manual may be found on the Metro COG website www.fmmetrocog.org or the NDDOT website at www.dot.nd.gov.

## X. Additional Information

- 1) **Reference Documents.** Respondents are encouraged to review the following:
  - a) North Dakota Electric Vehicle Infrastructure Plan (2022)
  - b) Minnesota Electric Vehicle Infrastructure Plan (2022)

#### XI. Contractual Information

1) Metro COG reserves the right to reject any or all proposals or to award the contract to the next most qualified firm if the successful firm does not execute a contract within forty-five (45) days after the award of the proposal. Metro COG shall not pay for any information contained in proposals obtained from participating firms.

- 2) Metro COG reserves the right to request clarification on any information submitted and additionally reserves the right to request additional information of one (1) or more applicants.
- 3) Any proposal may be withdrawn up until the proposal submission deadline. Any proposals not withdrawn shall constitute an irrevocable offer for services set forth within the RFP for a period of ninety (90) days or until one or more of the proposals have been approved by Metro COG's Policy Board.
- 4) If, through any cause, the consultant shall fail to fulfill in a timely and proper manner the obligations agreed to, Metro COG shall have the right to terminate its contract by specifying the date of termination in a written notice to the firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.
- 5) Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by Metro COG and shall contain, as a minimum, applicable provisions of the RFP. Metro COG reserves the right to reject any agreement that does not conform to the RFP and any Metro COG requirements for agreements and contracts.
- 6) The consultant shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of Metro COG.
- 7) The consultant agrees to not start any work on the project until the Qualifications Based Selection requirements have been satisfied and approved by the NDDOT, and Metro COG has provided the consultant with a notice to proceed.

#### XII. Payments

The selected consultant shall submit invoices for work completed to Metro COG. Payments shall be made to the consultant by Metro COG in accordance with the contract after all required services and tasks have been completed to the satisfaction of Metro COG.

#### XIII. Federal and State Funds

The services requested within this RFP will be partially funded with funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). As such, the services requested by this RFP will be subject to federal and state requirements and regulations.

The services performed under any resulting agreement shall comply with all applicable federal, state, and local laws and regulations. In addition, this contract will be subject to the relevant requirements of 2 CFR 200.

#### XIV. Title VI Assurances

Prospective consultants should be aware of the following contractual requirements regarding compliance with Title VI should they be selected pursuant to this RFP:

- 1) **Compliance with Regulations.** The consultant shall comply with the regulations relative to nondiscrimination in federally-assisted programs of the U.S. Department of Transportation, 49 CFR Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations).
- 2) Nondiscrimination. The consultant, with regard to the work performed by it, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The consultant shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations, either by competitive bidding or negotiation, made by the consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the consultant of the contractor's obligations to Metro COG and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*.
- 4) Information and Reports. The consultant shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Metro COG or NDDOT to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a consultant is in the exclusive possession of another who fails or refuses to furnish this information, the consultant shall so certify to Metro COG, or NDDOT, as appropriate, and shall set forth what efforts it has made to obtain the information.
- 5) **Sanctions for Noncompliance.** In the event of the consultant's noncompliance with the nondiscrimination provisions as outlined herein, Metro COG and NDDOT shall impose such sanctions as it or FHWA may determine to be appropriate, including but not limited to:
  - a) Withholding of payments to the consultant under the contract until the consultant complies; and/or

- b) Cancellation, termination, or suspensions of the contract, in part or in whole.
- 6) **Incorporation of Title VI Provisions.** The consultant shall include the provisions of Section XIII, paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The consultant shall take such action with respect to any subcontract or procurement as Metro COG, the U.S. Department of Transportation, or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a consultant becomes involved in, or is threatened with, litigation by a subcontractor or supplier as a result of such direction, the consultant may request Metro COG enter into such litigation to protect the interests of Metro COG; and, in addition, the consultant may request the United States to enter into such litigation to protect the interests of the United States.

\*\* The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 USC 324; age, 42 USC 6101; disability/handicap, 29 USC 790; and low income, EO 12898.

#### XV. Termination Provisions

Metro COG reserves the right to cancel any contract for cause upon written notice to the consultant. Cause for cancellation will be documented failure(s) of the consultant to provide services in the quantity or quality required. Notice of such cancellation will be given with sufficient time to allow for the orderly withdrawal of the consultant without additional harm to the participants or Metro COG.

Metro COG may cancel or reduce the amount of service to be rendered if there is, in the opinion of Metro COG, a significant increase in local costs; or if there is insufficient state or federal funding available for the service; thereby terminating the contract or reducing the compensation to be paid under the contract. In such event, Metro COG will notify the consultant in writing ninety (90) days in advance of the date such actions are to be implemented.

In the event of any termination, Metro COG shall pay the agreed rate only for services delivered up to the date of termination. Metro COG has no obligation to the consultant, of any kind, after the date of termination. The consultant shall deliver all records, equipment, and materials to Metro COG within twenty-four (24) hours of the date of termination.

#### XVI. Limitation on Consultant

All reports and pertinent data or materials are the sole property of Metro COG and may not be used, reproduced, or released in any form without the explicit, written permission of Metro COG.

The consultant should expect to have access only to the public reports and public files of local governmental agencies and Metro COG in preparing the proposal or reports. No compilation, tabulation or analysis of data, definition of opinion, etc., should be anticipated by the consultant from the agencies, unless volunteered by a responsible official in those agencies.

#### XVII. Conflict of Interest

No consultant, subcontractor, or member of any firm proposed to be employed in the preparation of this proposal shall have a past, ongoing, or potential involvement which could be deemed a conflict of interest under North Dakota Century Code or other law. During the term of this agreement, the consultant shall not accept any employment or engage in any consulting work that would create a conflict of interest with Metro COG or in any way compromise the services to be performed under this agreement. The consultant shall immediately notify Metro COG of any and all potential violations of this paragraph upon becoming aware of the potential violation.

#### XVIII. Insurance

The consultant shall provide evidence of insurance as stated in the contract prior to execution of the contract.

#### XIX. Risk Management

The consultant agrees to defend, indemnify, and hold harmless Metro COG and the State of North Dakota, its agencies, officers and employees, from and against claims based on the vicarious liability of Metro COG and the State or its agents, but not against claims based on Metro COG's and the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by consultant to Metro COG and the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for Metro COG and the State is necessary. The consultant also agrees to defend, indemnify, and hold Metro COG and the State harmless for all costs, expenses and attorneys' fees incurred if Metro COG or the State prevails in an action against the consultant in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of the contract.

The consultant shall secure and keep in force during the term of the contract, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverage:

- 1) Commercial general liability and automobile liability insurance minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence.
- 2) Workforce Safety insurance meeting all statutory limits.
- 3) Metro COG and the State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an additional insured on the commercial general liability and automobile liability policies.
- 4) Said endorsements shall contain a "Waiver of Subrogation" in favor of Metro COG and the State of North Dakota.
- The policies and endorsements may not be canceled or modified without thirty (30) days prior written notice to Metro COG and the State Risk Management Department.

The consultant shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4, above to Metro COG prior to commencement of this agreement.

Metro COG and the State reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. Any attorney who represents the State under this contract must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C Section 54-12-08.

When a portion of the work under the agreement is sublet, the consultant shall obtain insurance protection (as outlined above) to provide liability coverage to protect the consultant, Metro COG, and the State as a result of work undertaken by the subconsultant. In addition, the consultant shall ensure that any and all parties performing work under the agreement are covered by public liability insurance as outlined above. All subconsultants performing work under the same scope of insurance required of the consultant. The consultant shall be held responsible for ensuring compliance with those requirements by all subconsultants.

Consultant's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by Metro COG or the State of North Dakota. Any insurance, self-insurance or self-retention maintained by Metro COG or the State shall be excess of the consultant's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured consultant shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured consultant from meeting the retention limit under

the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the consultant. This insurance may be in a policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. Metro COG and the State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the consultant in excess of the minimum requirements set forth above.

# Exhibit A – Cost Proposal Form

**Cost Proposal Form –** Include completed cost form (see below) in a separate sealed envelope – labeled "**Sealed Cost Form** – **Vendor Name**" and submit concurrently with the technical proposal as part of the overall RFP response. The cost estimate should be based on a not to exceed basis and may be further negotiated by Metro COG upon identification of the most qualified contractor. Changes in the final contract amount and contract extensions are not anticipated.

# **REQUIRED BUDGET FORMAT**

**Direct Labor** Total Hours Project 1. X Rate = Cost Name, Title, Function 0.00 х 0.00 = 0.00 0.00 0.00 = 0.00 Х = 0.00 0.00 Х = 0.00 0.00 Subtotal 2. Overhead/Indirect Cost (expressed as indirect rate x direct labor) 0.00 0.00 3. 0.00 0.00 Subcontractor Costs Materials and Supplies Costs 0.00 0.00 4. 5. Travel Costs 0.00 0.00 0.00 0.00 6. **Fixed Fee** 7. **Miscellaneous Costs** 0.00 0.00 **Total Cost** = 0.00 0.00

Summary of Estimated Project Cost

Request for Proposals (RFP) Electric Vehicle Readiness Study

# Exhibit B – Federal Clauses

#### **Federal Clauses**

#### Equal Employment Opportunity Clause - 41 CFR 60-1.4(a) and 2 CFR Part 200 Appendix II (C)

#### 41 CFR 60-1.4(a)

- (a) Government contracts. Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):during the performance of this contract, the contractor agrees as follows:
  - (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
  - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
  - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
  - (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the secretary of labor.
  - (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
  - (6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the secretary of labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the secretary of labor as a means of enforcing such provisions including sanctions for noncompliance: *provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the united states to enter into such litigation to protect the interests of the United States.

#### 2 CFR Part 200 Appendix II (C)

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

#### Sanctions and Penalties for Breach of Contract - 2 CFR Part 200 Appendix II (A)

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

#### Termination for Cause and Convenience - 2 CFR Part 200 Appendix II (B)

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

#### Rights to Inventions Made Under a Contract or Agreement – 2 CFR Part 200 Appendix II (F)

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and

Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

#### Debarment and Suspension - 2 CFR Part 200 Appendix II (I)

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

#### Byrd Anti-Lobbying Amendment - 2 CFR Part 200 Appendix II (J)

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Request for Proposals (RFP) Electric Vehicle Readiness Study

# Exhibit C – Proposed Subconsultant Request

#### **PROPOSED SUB-CONSULTANT REQUEST**

North Dakota Department of Transportation, Environmental & Transportation Services SFN 60232 (9-2016)

Sub-Consultant firms that have been contacted and agree to be listed on a Prime Consultants Project Proposal for work with NDDOT must submit original form and one copy to be attached to the Prime Consultants Proposal. This form is used for informational purposes only.

NDDOT Project Number		NDDOT Project Control Number		Prime Consultant Company Name	
Company Name		Owner			
Address		City		State	ZIP Code
Company Telephone Number	Fax Number		Email Address		

#### Type of Work to be Subcontracted

Appraisals	Environmental	Planning	Structural Design
Architecture	Geotechnical	Public Involvement	Survey
Bridge Inspection	Materials Testing	Roadway Design	Traffic Operations
Construction Engineering	Partnering Facilitation	Soil Contamination	Wetlands Delineation
Cultural Resources	Photogrammetry	Steel Fabrication	Other

The undersigned declares that all statements listed above are true.

Firm Name	
Print Name	
Title	
Signature	Date
	Date
Is Firm Currently NDDOT Certified as a DBE?	

Agenda Item 3f

# **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

Moorhead for years.

Case Plaza Suite 232 | One 2nd Street North Fargo, North Dakota 58102-4807 p: 701.532.5100 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

To: Metro COG Policy Board From: Dan Farnsworth, Transportation Planner Date: February 10, 2023 Re: Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis RFP

With the interchange of I-94 and 20<sup>th</sup> Street in Moorhead only being a partial interchange (ramps to and from the west only), further analysis of the feasibility of a full interchange and other improvements at this location has been a priority for the City of

20<sup>th</sup> Street is a key connection to M-State, MSUM, and other destinations in Moorhead. With no interstate access currently to/from the east at 20th Street, drivers need to utilize 8<sup>th</sup> Street (US Hwy 75) or 34<sup>th</sup> Street interchanges.

The Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis will be a consultant led study and is in Metro COG's Unified Planning Work Program (UPWP) for the year 2023. The budget for this study is \$150,000 with 80% (\$120,000) coming from Metro COG's CPG funds, 10% (\$15,000) from the City of Moorhead, and 10% (\$15,000) from MnDOT.

Attached is the study's draft RFP for Policy Board consideration.

Requested Action: Approval of the Moorhead I-94 & 20th Street Interchange Analysis RFP

# FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

**REQUEST FOR PROPOSALS (RFP)** 

PROJECT NO. 2023-207

# Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

# DRAFT

February, 2023

APPROVED:

Cindy Gray Metro COG, Executive Director



# **REQUEST FOR PROPOSALS (RFP)**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) requests proposals from qualified consultants for the following project:

#### Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an in-person or virtual interview. Upon completion of technical ranking and interviews, Metro COG will enter into negotiations with the top ranked firm. **Sealed cost proposals shall be submitted with the RFP**. The cost proposal of the top ranked firm will be opened during contract negotiations. Those firms not selected for direct negotiations will have their unopened cost proposals returned. Metro COG reserves the right to reject any or all submittals. This project will be funded, in part with federal transportation funds and has a not-to-exceed budget of **\$150,000**.

Interested firms can request a full copy of the RFP by telephoning 701.532.5100, or by email: metrocog@fmmetrocog.org. Copies will be posted on the North Dakota Department of Transportation QBS website (<u>https://www.dot.nd.gov</u>) and are also available for download in .pdf format at <u>www.fmmetrocog.org</u>.

All applicants must be prequalified with the North Dakota Department of Transportation (NDDOT). If not prequalified with the NDDOT, applicants will be required to submit a completed Standard Form 330 (Exhibit D) with their submittal of information.

All proposals received by **4:30 p.m. (Central Time) on Friday March 17, 2023** will be given equal consideration. Respondents must submit one (1) PDF of the proposal, and one (1) sealed hard copy of the cost proposal. The full length of each proposal shall not exceed thirty-five (35) pages; including any supporting material, charts, or tables.

Hard copies of technical and/or cost proposals shall be shipped to ensure timely delivery to the contact defined below:

Dan Farnsworth Fargo-Moorhead Metropolitan Council of Governments Case Plaza, Suite 232 One 2<sup>nd</sup> Street North Fargo, ND 58102 <u>farnsworth@fmmetrocog.org</u> 701-532-5106

Fax versions will not be accepted as substitutes for the cost proposal hard copy. Once submitted, the proposals will become property of Metro COG.

Note: The document can be made available in alternative formats for persons with disabilities by contacting Savanna Leach, Office Manager at 701.532.5100 or leach@fmmetrocog.org.

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Note: Throughout this RFP, Metro COG may be referred to as 'Client' and the consulting firm may be referred to as 'Consultant', 'Contractor', or 'Firm'.

# I AGENCY OVERVIEW

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) serves as the Council of Governments (COG) and Metropolitan Planning Organization (MPO) for the greater Fargo, North Dakota – Moorhead, Minnesota metropolitan area. As the designated MPO for the Fargo-Moorhead Metropolitan Area, Metro COG is responsible under federal law for maintaining a continuous, comprehensive, and coordinated transportation planning process.

Metro COG is responsible, in cooperation with the North Dakota and Minnesota Departments of Transportation (NDDOT and MnDOT, respectively) and our local planning partners, for carrying out the metropolitan transportation planning process and other planning issues of a regional nature. Metro COG represents eleven cities and two counties that comprise the Metro COG region in these efforts.

# II PROJECT BACKGROUND AND OBJECTIVE

Two interstate highways run through the Fargo-Moorhead Metropolitan Area, Interstate 29 (I-29) and Interstate 94 (I-94). I-94 travels east-west through the entirely of North Dakota, Minnesota and other states to the east and west. I-94 is the most heavily traveled roadway within the Fargo-Moorhead Metropolitan Area per Metro COG's 2021 traffic counts. This interstate corridor plays a key role in national, regional, and local auto and freight transportation.

I-94 has a total of four interchanges which provide direct access to/from the city of Moorhead, MN. However, of the four interchanges only two are full interchanges. The interchange of I-94 and 20<sup>th</sup> St in Moorhead is a partial interchange, providing access to/from the west only. Westbound traffic on I-94 wishing to use 20<sup>th</sup> St must exit at either 34<sup>th</sup> St (1 <sup>1</sup>/<sub>4</sub> miles east of 20<sup>th</sup> St) or 8<sup>th</sup> St/US Hwy 75 (1 mile west of 20<sup>th</sup> St). The lack Interstate connectivity to/from the east on 20<sup>th</sup> St is presumed to increase the use of nearby interchanges and increase travel time for some users.

The objective of this planning study (project) is to analyze the need and feasibility for a full interchange on I-94 at 20<sup>th</sup> St, determine the traffic and travel time changes of a full interchange, and provide planning level layouts and cost estimates for interchange alternatives at this location.

A map on the following page shows the location of the study area.

#### Request for Proposals (RFP) Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

#### **Study Area Map**



# **III SCOPE OF WORK AND PERFORMANCE TASKS**

Outlined below is the scope of work that will guide development of the Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis. Metro COG has included the following scope of work to provide interested Consultants with insight into project intent, context, coordination, responsibilities, and other elements to help facilitate proposal development.

This outline is not necessarily all-inclusive. The Consultant may include in the proposal any additional performance tasks or the modification of the tasks listed below that will integrate approaches to successfully complete the project. At a minimum, the Consultant is expected to complete the following tasks as part of this project:

#### Task 1 - Project Management and Coordination

This task involves activities required to manage the project including staff, equipment and documentation. It also includes the preparation of monthly progress reports, documenting travel and expense receipts, and preparing and submitting invoices for reimbursement. In addition, this task includes progress meetings with Metro COG. It should be assumed that progress meetings will occur at least monthly and as needed in between.

The Consultant will assign a single person to serve through the life of the contract as Consultant Project Manager ("PM"). The PM must be the person identified in the selected

#### Request for Proposals (RFP) Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

firm's proposal and may not be changed without prior written approval of Metro COG. The PM is responsible for overall project management necessary to ensure the satisfactory completion of the Moorhead I-94 and 20<sup>th</sup> Street Interchange Analysis, ontime and on-budget, in accordance with the scope of services. The PM will serve as a single point of contact and will be expected to ensure the Consultant team is properly managed, adequate resources are available, submittals are timely, quality control processes are utilized for maximum benefit, and invoices are paid in a timely fashion.

The PM will submit monthly invoices with documentation acceptable to Metro COG throughout the life of the contract. Invoices must include the monthly progress report, a breakout of activities by task, employee hours for those tasks, and any supportive documentation for expenses. All invoice submittals, including progress reports, and any supportive materials shall be submitted to the Metro COG project manager no later than the 2<sup>nd</sup> Thursday of the month. This is to ensure invoices are processed in a timely fashion.

#### Task 2 – Data Collection and Existing Conditions

The Consultant shall gather and analyze existing conditions relative to the study area. Metro COG and applicable jurisdictions can aid in these efforts by providing relevant datasets where they exist. All other non-existing datasets necessary to accomplish the goals of the analysis will need to be developed by the Consultant. (Note – engineering services such as surveying and geotechnical analysis are not eligible for Metro COG reimbursement; therefore, such datasets will need to be developed through desk review research).

Data collection and existing conditions should include but is not limited to:

- Roadway geometrics
- Bridge data
- Typical sections
- AADTs & turning movement counts
- Bicycle/pedestrian counts
- Traffic operations
- ITS deployments
- Railroad data number of trains/speed/crossing closure times
- Bicycle and pedestrian accommodations
- Transit routes
- Freight accommodations
- Crash history (last 5 years)
- Lighting
- Right-of-way
- Existing utilities, including drainage
- Existing/proposed land use
- Environmental data (wetlands, contaminated soils, etc.)

The Consultant should also review relevant documents and studies related to this project. Special attention should be given to Metro COG's Interstate Operations Analysis which is scheduled for completion in the spring of 2023. Another study, called the 20<sup>th</sup> Street and TH 75 (8<sup>th</sup> Street) Corridor Study was completed in June 2008. The study is posted on Metro COG's RFP website (link forthcoming; for now we'll use this link: http://www.dot.state.mn.us/consult/documents/D4TH75finalreport.pdf).

#### Task 3 – Community Engagement

Community engagement will include the following:

#### Study Review Committee Meetings

Development of this study will be guided by a Study Review Committee (SRC) who will provide oversight and input into the study process, methodology, parameters of alternatives, and overall findings and recommendations. The Consultant should propose the quantity, timing, and content of these meetings.

The Consultant will be responsible for the preparation and coordination of all information, documents, and agendas for the SRC. The Consultant will be expected to distribute materials to the SRC in a timely manner, no less than three business days prior to the meetings. Metro COG and the Consultant will work together in coordinating and scheduling SRC meetings. The Consultant is also responsible for the recording of meeting minutes, which should be submitted to Metro COG's project manager and will serve as documentation of the SRC's guidance and decisions.

#### Public Involvement

The Consultant shall propose an approach for public involvement which shall be in accordance with Metro COG's Public Participation Plan (see recently adopted PPP update at

https://fmmetrocog.org/application/files/4016/7277/3608/2022 PPP -

<u>Final Policy Board Review.pdf</u>. The Consultant, in cooperation with Metro COG and local agencies, will facilitate all public engagement activities, and should propose the number, type, and strategy for each public involvement effort.

Please note that all public notices, mailings, and social media boosts, etc. shall be paid for out of the project budget. Metro COG's website will be used to host the project webpage, and Metro COG staff will work with the Consultant to keep the website up-to-date with content provided by the Consultant team.

#### Stakeholder Outreach

In conjunction with Metro COG and the SRC, the Consultant shall develop a list of stakeholders which could be positively and/or negatively impacted by modifications to the I-94 and 20<sup>th</sup> St Interchange. These stakeholders could

include, but not be limited to: M State, BNSF, MSUM, Moorhead Public Service, Anheuser-Busch, Gavilon Fertilizer, Ken's Sanitation, Triumph Lutheran Brethren Church, etc.

#### Task 4 – Purpose and Need

The Consultant shall work with Metro COG and the SRC in developing a Purpose and Need Statement for inclusion within the study.

#### Task 5 – Travel Impact Analysis

Metro COG's recent Interstate Operations Analysis completed travel demand model (TDM) runs for the interchanges along I-94, including the 20<sup>th</sup> St interchange. In addition, the Interstate Operations Analysis used the TDM to determine projected traffic volumes at the 20<sup>th</sup> St interchange and the adjacent interchanges should a full interchange at 20<sup>th</sup> St be installed. The Consultant should utilize the TDM results provided by the Interstate Operations Analysis.

However, the Interstate Operations Analysis did not analyze the traffic effect of a full 20<sup>th</sup> St interchange on the non-interstate roadway network in the study area. The Consultant is expected to utilize the TDM to analyze the effect that a full interchange would have on the functionally-classified roadway network between 8<sup>th</sup> St (US Hwy 75) and 34<sup>th</sup> St in Moorhead. This analysis should compare the traffic effect of a full interchange versus the existing half interchange.

In addition, the Consultant is highly encouraged to use origin-destination tools such as StreetLight to analyze the existing routing of trips to determine the potential travel patterns and usage of a full interchange at 20<sup>th</sup> St.

#### Task 6 – Development of Alternatives

The Consultant will analyze the future conditions of a No Build alternative as well as Build alternatives. Several preliminary alternatives should first be developed. Of the preliminary alternatives, feasibility analysis should be conducted and a minimum of two Build alternatives should be brought forward for additional analysis. As part of the alternative analysis, environmental impacts should be considered, including but not limited to wetlands, contaminated soils, etc.

The Consultant shall work jointly with Metro COG and the SRC in development of the alternatives. As part of this task, the Consultant will prepare planning level cost estimates for each alternative and the alternatives shall be vetted through the SRC.

The cost-benefit of the alternatives should be considered when developing the alternatives. The Consultant shall not develop alternatives with the motive of consultant-recognition, but rather develop the alternatives which are in the best interest of the public, including responsible stewardship of taxpayer money.

The Consultant should look into potential funding sources for improvements as well as cost participation policy and potential funding splits.

#### Task 7 – Draft Report

Upon completion of the aforementioned tasks, the Consultant shall provide a draft report for review by the SRC, stakeholders and public. The report shall include but not be limited to: existing conditions information, the study's purpose and need, public involvement information and results, interchange alternative layouts, analysis, and costs, and pertinent maps and graphics.

The report shall include an appendix. Meeting summaries, public involvement results, and technical analysis should be included in the appendix of the report.

#### Task 8 – Final Report

Once comments on the draft report have been received and addressed, the Consultant shall assemble the final report. The final report shall be in PDF format.

#### Task 9 – Adoption Process

As part of the study's adoption process, presentations will be made to local boards and committees. The Consultant should budget for up to four presentations of the final study to local boards and committees. This is likely to include the Moorhead Planning Commission, Moorhead City Council, the Metro COG Transportation Technical Committee and the Metro COG Policy Board.

**NOTE:** While under contract, if the Consultant wishes to modify or include additional tasks deemed necessary to complete the study, this must be agreed to by Metro COG before issuing the notice to proceed.

#### IV IMPLEMENTATION SCHEDULE

#### 1) Consultant Selection

Advertise for Consultant Proposals	approximately 2/17/2023
Due Date for Proposal Submittals (by 4:30pm)	3/17/2023
Review Proposals/Identify Finalists	3/20/2023 - 3/27/2023
Interview Finalists	between 4/3/2023 – 4/11/2023
Metro COG Board Approval/Consultant Notice	e 4/20/2023
Contract Negotiations	4/21/2023 - 4/28/2023

#### Request for Proposals (RFP) Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

Signed Contract

approximately 5/1/2023

QBS Submittal & Approval (between NDDOT & Metro COG) 5/1/23 – 5/12/23

Notice to Proceed\*

approximately 5/15/2023

\*Notice to Proceed shall not be issued until the Consultant has provided all materials required for contracting, including, but not limited to, the Proposed Sub-Consultant Request form (SFN 60232 (9-2016) and Prime Consultant Request to Sublet form (SFN 60233 (9-2019) form, if applicable, and the Qualifications Based Selection documentation has been fully compiled by Metro COG and submitted to and approved by the North Dakota Department of Transportation.

#### 2) Project Development (Major Milestones)

Project Kick-off	May 2023
Plan Development	May 2023 – January 2024
Final Draft of Study	February 2024
Final Completion of Study	March 2024
Presentations to committees and	boards April - May 2024
Final Invoices Received	May 2024

# **V** EVALUATION AND SELECTION PROCESS.

**Selection Committee.** The Client will establish a multijurisdictional selection committee to select a Consultant. The Selection Committee will likely consist of staff from Metro COG, the City of Moorhead, MnDOT, and any other applicable stakeholders.

The Consultant selection process will be administered under the following criteria:

- 25% Understanding of study objectives and local/regional issues
- 25% Proposed approach, work plan, and management techniques
- 25% Experience with similar projects
- 25% Expertise of the technical and professional staff assigned to the project

The Selection Committee, at the discretion of the Client and under the guidance of NDDOT policy, will entertain formal in-person or virtual presentations for the top candidates to provide additional information for the evaluation process. The presentations will be followed by a question and answer period during which the

committee may question the prospective Consultants about their proposed approaches.

A Consultant will be selected on April 20<sup>th</sup>, 2023 based on an evaluation of the proposals submitted, the recommendation of the Selection Committee and approval by the Metro COG Policy Board.

The Client reserves the right to reject any or all proposals or to waive minor irregularities in said proposal, and reserves the right to negotiate minor deviations to the proposal with the successful Consultant. The Client reserves the right to award a contract to the firm or individual that presents the proposal, which, in the sole judgement of the Client, best accomplishes the desired results.

The RFP does not commit the Client to award a contract, to pay any costs incurred in the preparation of the contract in response to this request or to procure or contract for services or supplies. The Client reserves the right to withdraw this RFP at any time without prior notice.

All proposals, whether selected or rejected, shall become the property of the Client.

# **VI PROPOSAL CONTENT**

The purpose of the proposal is to demonstrate the qualifications, competence, and capacity of the Consultant seeking to provide comprehensive services specified herein for the Client, in conformity with the requirements of the RFP. The proposal should demonstrate qualifications of the firm and its staff to undertake this project. It should also specify the proposed approach that best meets the RFP requirements. The proposal must address each of the service specifications under the Scope of Work and Performance Tasks.

The Client is asking the Consultant to supply the following information. Please include all requested information in the proposal to the fullest extent practical.

- 1) **Contact Information.** Name, telephone number, email address, mailing address and other contact information for the Consultant's Project Manager.
- 2) Introduction and Executive Summary. This section shall document the Consultant name, business address (including telephone, email address(es), year established, type of ownership and parent company (if any), project manager name and qualifications, and any major facts, features, recommendations or conclusions that may differentiate this proposal from others, if any.
- 3) Work Plan and Project Methodology. Proposals shall include the following, at minimum:
  - a) A detailed work plan identifying the major tasks to be accomplished relative to the requested study tasks and expected product as outlined in this RFP;

- b) A timeline for completion of the requested services, including all public participation opportunities and stakeholder meetings, identifying milestones for development of the project and completion of individual tasks.
- c) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past.
- d) List of the proposed principal(s) who will be responsible for the work, proposed Project Manager and project team members (with resumes).
- e) A breakout of hours for each member of the team by major task area, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task. Note that specific budget information is to be submitted in a sealed cost proposal as described below in Section VIII. General Proposal Requirements.
- f) A list of any subcontracted agencies, the tasks they will be assigned, the percent of work to be performed, and the staff that will be assigned.
- g) List of client references for similar projects described within the RFP.
- h) Required Disadvantaged Business Enterprise (DBE) and/or Minority Business Enterprise (MBE) Firms participation documentation, if applicable.
- i) Ability of firm to meet required time schedules based on current and known future workload of the staff assigned to the project.
- 4) **Signature.** Proposals shall be signed by an authorized member of the firm/project team.
- 5) Attachments. Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:
- Exhibit A Cost Proposal Form (as identified in VIII 1)
- Exhibit B Federal Clauses

Exhibit C - SFN 60232: Proposed Sub-Consultant Request

#### **VII Submittal Information**

Proposals shall be submitted in PDF format. Sealed cost proposals shall be submitted as a hard copy. Cost proposals should be shipped to ensure timely delivery to the contact as defined below:

Dan Farnsworth Transportation Planner Fargo-Moorhead Metropolitan Council of Governments Case Plaza, Suite 232 One 2<sup>nd</sup> Street North Fargo, ND 58102-4807 farnsworth@fmmetrocog.org

All proposals received by 4:30 p.m. on Friday, March 17, 2023 at Metro COG's office will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to apply. Respondents must submit one (1) PDF copy of the proposal. The full length of each proposal should not exceed thirty-five (35) pages; including any supporting material, charts, or tables.

The Consultant may ask for clarifications of the RFP by submitting written questions to the Metro COG project manager identified above. Questions regarding this RFP must be submitted no later than March 3, 2023. Metro COG reserves the right to decline a response to any question if, in Metro COG's assessment, the information cannot be obtained and shared with all potential firms in a timely manner. All questions and responses will be forwarded to applicants and posted on Metro COG's website on March 8, 2023.

#### VIII GENERAL RFP REQUIREMENTS.

- 1) Sealed Cost Proposal. All proposals must be clearly identified and marked with the appropriate project name; inclusive of a separately sealed cost proposal per the requirements of this RFP. Cost proposals shall be based on an hourly "not to exceed" amount and shall follow the general format as provided within Exhibit A of this RFP. Metro COG may decide, in its sole discretion, to negotiate a price for the project after the selection committee completes its final ranking. Negotiation will begin with the Consultant identified as the most qualified per requirements of this RFP, as determined in the evaluation/selection process. If Metro COG is unable to negotiate a contract for services negotiations will be terminated and negotiations will begin with the next most qualified Consultant. This process will continue until a satisfactory contract has been negotiated. The sealed cost proposal is required to include the following documentation:
  - a. Documentation from the ND Secretary of State detailing the prime consultant is in good standing and is licensed to do business in the State of North Dakota
  - b. Documentation that the prime consultant is registered with the ND Board of Registration
  - c. Documentation showing registration with the federal System for Award Management (SAM.gov) that the prime consultant has not been

#### suspended, debarred, voluntarily excluded, or deterred ineligible

- 2) Consultant Annual Audit Information for Indirect Cost. Consulting firms proposing to do work for Metro COG must have a current audit rate no older than 15 months from the close of the firms Fiscal Year. Documentation of this audit rate must be provided with the sealed cost proposal. Firms that do not meet this requirement will not qualify to propose or contract for Metro COG projects until the requirement is met. Firms that have submitted all the necessary information to Metro COG and are waiting for the completion of the audit will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify. Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit prior to the interview. This documentation should be attached with the sealed cost proposal. The submitted Indirect Rate MUST match the Indirect Rate on all invoicing.
- 3) **Debarment of Suspension Certification and Certification of Restriction on Lobbying.** See Exhibit B, Federal Clauses regarding Debarment of Suspension and Restriction on Lobbying.
- 4) Respondent Qualifications. Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the requested services within this RFP. Each respondent may also be required to show that similar work has been performed in a satisfactory manner and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent whom is engaged in any work that would impair his or her ability to perform or finance this work.
- 5) Disadvantaged Business Enterprise. Pursuant to Department of Transportation policy and 49 CFR Part 23, Metro COG supports the participation of DBE/MBE businesses in the performance of contracts financed with federal funds under this RFP. Consultants shall make an effort to involve DBE/MBE businesses in this project. If the Consultant is a DBE/MBE, a statement indicating that the business is certified DBE/MBE in North Dakota or Minnesota shall be included within the proposal. If the Consultant intends to utilize a DBE/MBE to complete a portion of this work, a statement of the Subconsultant's certification shall be included. The percent of the total proposed cost to be completed by the DBE/MBE shall be shown within the proposal. Respondents should substantiate (within proposal) efforts made to include DBE/MBE businesses.
- 6) US DOT Policy Statement on Bicycle and Pedestrian Accommodations. Consultants are advised to review and consider the US DOT Policy Statement on Bicycle and Pedestrian Accommodation issued in March of 2010 when developing written proposals.
- 7) North Dakota Department of Transportation Consultant Administration Services Procedure Manual. Applicants to this Request for Proposal are required to follow

procedures contained in the NDDOT Consultant Administration Services Procedure Manual, which includes prequalification of Consultants. Copies of the Manual may be found on the Metro COG website <u>www.fmmetrocog.org</u> or the NDDOT website at <u>www.dot.nd.gov</u>.

# IX CONTRACTUAL INFORMATION.

- The Client reserves the right to reject any or all proposals or to award the contract to the next most qualified firm if the successful firm does not execute a contract within forty-five (45) days after the award of the proposal. The Client will not pay for any information contained in proposals obtained from participating firms.
- 2) The Client reserves the right to request clarification on any information submitted and additionally reserves the right to request additional information of one (1) or more applicants.
- 3) Any proposal may be withdrawn up until the proposal submission deadline. Any proposals not withdrawn shall constitute an irrevocable offer for services set forth within the RFP for a period of ninety (90) days or until one or more of the proposals have been approved by the Metro COG Policy Board.
- 4) If, through any cause, the Consultant shall fail to fulfill in a timely and proper manner the obligations agreed to, the Client shall have the right to terminate its contract by specifying the date of termination in a written notice to the firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.
- 5) Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by the Client and shall contain, as a minimum, applicable provisions of the Request for Proposals. The Client reserves the right to reject any agreement that does not conform to the Request for Proposal and any Metro COG requirements for agreements and contracts.
- 6) The Consultant shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of Metro COG.
- 7) The Consultant agrees to not start any work on the project until the Qualifications Based Selection requirements have been satisfied and approved by the NDDOT, and Metro COG has provided the consultant with a notice to proceed.

#### **X PAYMENTS**

The selected Consultant will submit invoices for work completed to the Client. Payments shall be made to the Consultant by the Client in accordance with the contract after all required services, and items identified in the scope of work and performance tasks, have

been completed to the satisfaction of the Client.

#### **XI FEDERAL AND STATE FUNDS**

The services requested within this RFP will be partially funded with funds from the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). As such, the services requested by this RFP will be subject to federal and state requirements and regulations.

The services performed under any resulting agreement shall comply with all applicable federal, state, and local laws and regulations. In addition, this contract will be subject to the relevant requirements of 2 CFR 200.

# XII TITLE VI ASSURANCES

Prospective Consultants should be aware of the following contractual ("Contractor") requirements regarding compliance with Title VI should they be selected pursuant to this RFP:

- 1) **Compliance with Regulations.** The Consultant shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations).
- 2) Nondiscrimination. The Consultant, with regard to the work performed by it, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*, in the selection and retention of Subconsultants, including procurements of materials and leases of equipment. The Consultant shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- 3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations, either by competitive bidding or negotiation, made by the Consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the Consultant of the Consultant's obligations to Metro COG and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status\*\*.
- 4) Information and Reports. The Consultant shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Metro COG or the North Dakota Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Consultant is in the

exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to Metro COG, or the North Dakota Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

- 5) Sanctions for Noncompliance. In the event of the Consultant's noncompliance with the nondiscrimination provisions as outlined herein, the Client and the North Dakota Department of Transportation shall impose such sanctions as it or the Federal Highway Administration / Federal Transit Administration may determine to be appropriate, including but not limited to:
- 6) Withholding of payments to the Consultant under the contract until the Consultant complies; or
- 7) Cancellation, termination, or suspension of the contract, in whole or in part.
- 8) Incorporation of Title VI Provisions. The Consultant shall include the provisions of Section XII, paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

The Consultant shall take such action with respect to any subcontract or procurement as Metro COG or the U.S. Department of Transportation, Federal Highway Administration, may direct as a means of enforcing such provisions, including sanctions for noncompliance provided, however, that in the event a Consultant becomes involved in, or is threatened with, litigation by a Subconsultant or supplier as a result of such direction, the Consultant may request Metro COG enter into such litigation to protect the interests of Metro COG; and, in addition, the Consultant may request the United States to enter into such litigation to protect the interests of the United States.

\*\* The Act governs race, color, and national origin. Related Nondiscrimination Authorities govern sex, 23 U.S.C. 324; age, 42 U.S.C. 6101; disability/handicap, 29 U.S.C. 790; and low income, E.O. 12898.

#### XIII TERMINATION PROVISIONS

The Client reserves the right to cancel any contract for cause upon written notice to the Consultant. Cause for cancellation will be documented failure(s) of the Consultant to provide services in the quantity or quality required. Notice of such cancellation will be given with sufficient time to allow for the orderly withdrawal of the Consultant without additional harm to the participants or the Client.

The Client may cancel or reduce the amount of service to be rendered if there is, in the opinion of the Client, a significant increase in local costs; or if there is insufficient state or federal funding available for the service, thereby terminating the contract or reducing the compensation to be paid under the contract. In such event, the Client will notify the

Consultant in writing ninety (90) days in advance of the date such actions are to be implemented.

In the event of any termination, the Client shall pay the agreed rate only for services delivered up to the date of termination. The Client has no obligation to the Consultant, of any kind, after the date of termination. Consultant shall deliver all records, equipment and materials to the Client within 24 hours of the date of termination.

### XIV LIMITATION ON CONSULTANT

All reports and pertinent data or materials are the sole property of the Client and its state and federal planning partners and may not be used, reproduced or released in any form without the explicit, written permission of the Client.

The Consultant should expect to have access only to the public reports and public files of local governmental agencies and the Client in preparing the proposal or reports. No compilation, tabulation or analysis of data, definition of opinion, etc., should be anticipated by the Consultant from the agencies, unless volunteered by a responsible official in those agencies.

### XV CONFLICT OF INTEREST

No Consultant, Subconsultant, or member of any firm proposed to be employed in the preparation of this proposal shall have a past, ongoing, or potential involvement which could be deemed a conflict of interest under North Dakota Century Code or other law. During the term of this Agreement, the Consultant shall not accept any employment or engage in any consulting work that would create a conflict of interest with the Client or in any way compromise the services to be performed under this agreement. The Consultant shall immediately notify the Client of any and all potential violations of this paragraph upon becoming aware of the potential violation.

#### XVI INSURANCE

The Consultant shall provide evidence of insurance as stated in the contract prior to execution of the contract.

#### XVII RISK MANAGEMENT

The Consultant agrees to defend, indemnify, and hold harmless the Client and the state of North Dakota, its agencies, officers and employees (State), from and against claims based on the vicarious liability of the Client and the State or its agents, but not against claims based on the Client's and the State's contributory negligence, comparative and/or contributory negligence or fault, sole negligence, or intentional misconduct. The legal defense provided by Consultant to the Client and the State under this provision must be free of any conflicts of interest, even if retention of separate legal counsel for the Client and the State is necessary. Consultant also agrees to defend, indemnify, and hold the Client and the State harmless for all costs, expenses and attorneys' fees incurred if the Client or the State prevails in an action against Consultant in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this Agreement.

The Consultant shall secure and keep in force during the term of this agreement, from insurance companies, government self-insurance pools or government self-retention funds authorized to do business in North Dakota, the following insurance coverage:

- 1. Commercial general liability and automobile liability insurance minimum limits of liability required are \$250,000 per person and \$1,000,000 per occurrence.
- 2. Workforce Safety insurance meeting all statutory limits.
- 3. The Client and the State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an additional insured on the commercial general liability and automobile liability policies.
- 4. Said endorsements shall contain a "Waiver of Subrogation" in favor of the Client and the state of North Dakota.
- The policies and endorsements may not be canceled or modified without thirty (30) days prior written notice to the undersigned Client and the State Risk Management Department.

The Consultant shall furnish a certificate of insurance evidencing the requirements in 1, 3, and 4, above to the Client prior to commencement of this agreement.

The Client and the State reserve the right to obtain complete, certified copies of all required insurance documents, policies, or endorsements at any time. Any attorney who represents the State under this contract must first qualify as and be appointed by the North Dakota Attorney General as a Special Assistant Attorney General as required under N.D.C.C. Section 54-12-08.

When a portion of the work under the Agreement is sublet, the Consultant shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Consultant, the Client and the State as a result of work undertaken by the Subconsultant. In addition, the Consultant shall ensure that any and all parties performing work under the Agreement are covered by public liability insurance as outlined above. All Subconsultants performing work under the Agreement are required to maintain the same scope of insurance required of the Consultant. The Consultant shall be held responsible for ensuring compliance with those requirements by all Subconsultants.

Consultant's insurance coverage shall be primary (i.e., pay first) as respects any insurance, self-insurance or self-retention maintained by the Client or State. Any insurance, self-insurance or self-retention maintained by the Client or the State shall be

#### Request for Proposals (RFP) Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

excess of the Consultant's insurance and shall not contribute with it. The insolvency or bankruptcy of the insured Consultant shall not release the insurer from payment under the policy, even when such insolvency or bankruptcy prevents the insured Consultant from meeting the retention limit under the policy. Any deductible amount or other obligations under the policy(ies) shall be the sole responsibility of the Consultant. This insurance may be in a policy or policies of insurance, primary and excess, including the so-called umbrella or catastrophe form and be placed with insurers rated "A-" or better by A.M. Best Company, Inc. The Client and the State will be indemnified, saved, and held harmless to the full extent of any coverage actually secured by the Consultant in excess of the minimum requirements set forth above.

# Exhibit A – Cost Proposal Form

**Cost Proposal Form –** Include completed cost form (see below) in a separate sealed envelope – labeled "**Sealed Cost Form** – **Vendor Name**" and submit with concurrently with the technical proposal as part of the overall RFP response. The cost estimate should be based on a not to exceed basis and may be further negotiated by Metro COG upon identification of the most qualified Consultant. Changes in the final contract amount and contract extensions are not anticipated.

# **REQUIRED BUDGET FORMAT**

Summary of Estimated Project Cost

1.	Direct Labor	Hours	x	Rate	=	Project Cost	Total
	Name, Title, Function	0.00	x	0.00	=	0.00	0.00
			x		=	0.00	0.00
			x		=	0.00	0.00
				Subtotal	=	0.00	0.00
2.	2. Overhead/Indirect Cost (expressed as indirect rate x direct labor)				0.00	0.00	
3.	. Subconsultant Costs				0.00	0.00	
4.	. Materials and Supplies Costs				0.00	0.00	
5.	Travel Costs				0.00	0.00	
6.	. Fixed Fee				0.00	0.00	
7.	Miscellaneous Costs					0.00	0.00
		ſotal Cost			=	0.00	0.00

Request for Proposals (RFP) Moorhead I-94 & 20<sup>th</sup> Street Interchange Analysis

Exhibit B - Federal Clauses

#### **Federal Clauses**

#### Equal Employment Opportunity Clause - 41 CFR 60-1.4(a) and 2 CFR Part 200 Appendix II (C)

#### 41 CFR 60-1.4(a)

- (a) Government contracts. Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):during the performance of this contract, the contractor agrees as follows:
  - (1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
  - (2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.
  - (3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
  - (4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the secretary of labor.
  - (5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the secretary of labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the secretary of labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
  - (6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the secretary of labor, or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the secretary of labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the secretary of labor as a means of enforcing such provisions including sanctions for noncompliance: *provided, however*, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the united states to enter into such litigation to protect the interests of the United States.

#### 2 CFR Part 200 Appendix II (C)

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

#### Sanctions and Penalties for Breach of Contract – 2 CFR Part 200 Appendix II (A)

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

#### Termination for Cause and Convenience - 2 CFR Part 200 Appendix II (B)

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

#### Rights to Inventions Made Under a Contract or Agreement - 2 CFR Part 200 Appendix II (F)

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and

Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

#### Debarment and Suspension - 2 CFR Part 200 Appendix II (I)

(I) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

#### Byrd Anti-Lobbying Amendment - 2 CFR Part 200 Appendix II (J)

(J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

Exhibit C – SFN 60232: Proposed Sub-Consultant Request

#### **PROPOSED SUB-CONSULTANT REQUEST**

North Dakota Department of Transportation, Environmental & Transportation Services SFN 60232 (9-2016)

Sub-Consultant firms that have been contacted and agree to be listed on a Prime Consultants Project Proposal for work with NDDOT must submit original form and one copy to be attached to the Prime Consultants Proposal. This form is used for informational purposes only.

NDDOT Project Number		NDDOT Project Control Number Prime Consultant Company Na			nsultant Company Name
Company Name		Owner			
Address		City State ZIP Code		ZIP Code	
Company Telephone Number	Fax Number		Email Address		

#### Type of Work to be Subcontracted

Appraisals	Environmental	Planning	Structural Design
Architecture	Geotechnical	Public Involvement	Survey
Bridge Inspection	Materials Testing	Roadway Design	Traffic Operations
Construction Engineering	Partnering Facilitation	Soil Contamination	Wetlands Delineation
Cultural Resources	Photogrammetry	Steel Fabrication	Other

The undersigned declares that all statements listed above are true.

Firm Name	
Print Name	
Title	
Signature	Date
Signature	Date
Is Firm Currently NDDOT Certified as a DBE?	

**METROCOG** Fargo-Moorhead Metropolitan Council of Governments Case Plaza Suite 232 | 1 - 2nd Street North Fargo, North Dakota 58102-4807 p: 701.232.3242 | f: 701.232.5043 e: metrocog@fmmetrocog.org www.fmmetrocog.org

Agenda Item 3g

To: Policy Board
From: Ari Del Rosario, AICP
Date: February 10, 2023
Re: Performance Measure 1 (PM1) – 2023 Safety Target Adoption ND

As a part of the Fixing America's Surface Transportation (FAST) Act, which was signed into law on December 4, 2015, State DOTs and MPOs are required to establish quantifiable targets for performance measures. There are three performance measures.

Performance Measure 1 (PM1) is meant to establish performance targets related to safety. This falls under §490 Subpart B. As such, each state must annually establish and report performance targets for the Highway Safety Improvement Program (HISP) for the following five (5) safety performance measures:

- 1. Number of Fatalities
- 2. Rate of Fatalities
- 3. Number of Serious Injuries
- 4. Rate of Serious Injuries
- 5. Number of Non-motorized Fatalities and Non-motorized Serious Injuries

As an MPO, Metro COG is required by FHWA to either

- 1. Agree to program projects in each state's portion of the Metropolitan Planning Area (MPA) to support the performance targets established by the respective state and/or
- 2. Establish MPO specific safety performance targets for all or some of the above five measures.

These are reviewed and revised annually. 2023 is the fifth year we are reviewing and adopting PM1 targets for the MPA.

Since 2018, Policy Board has adopted NDDOT's Safety Performance Measures for the MPA. Based on the crash data available to us, **Metro COG again requests that Policy Board adopt NDDOT's Safety Performance Measures for the MPA.** This information is based on the following analysis and timeframe.

In December 2022, FHWA determined whether a State has met or made significant progress toward meeting 2017-2021 HSIP targets. FHWA used 2015-2019 data as a baseline period for assessing significant progress. In March 2023, FHWA will report their findings to States indicating whether the State has met or made significant progress towards meeting their 2017-2021 HSIP targets.

FHWA uses the following table to determine if a State has met or made significant progress towards their Performance Measure 1 Targets (received from

https://safety.fhwa.dot.gov/hsip/spm/pm\_progress\_fs.cfm).

	5-year Rolling Averages						
Performance Measure	TARGET 2016 - 2020 <sup>a</sup>	ACTUAL 2016- 2020 <sup>B</sup>	BASELINE 2014- 2018 <sup>C</sup>	Target Achieved?	Better than Baseline?	Met or Made Significant Progress?	
Number of Fatalities	465	472.4	474	No	√ Yes	Yes	
Fatality Rate	0.980	0.990	0.988	No	No	(4 out of 5 targets met or made	
Number of Serious Injuries	2,560.0	2,578.4	2,703.2	No	√ Yes	significant progress)	
Serious Injury Rate	4.126	4.214	4.288	No	√ Yes		
Number of Non- motorized Fatalities and Serious Injuries	108.0	107.6	113.2	√ Yes	N/A		

#### Example Significant Progress Determination for CY 2020 Safety Performance Targets

(A) CY 2020 Targets are established and reported in the August 31, 2019 HSIP Annual Report.

(B) Actual performance is the 5-year rolling average ending in the year for which the targets were established. In this case that is CY 2016-2020. (C) Baseline performance is the 5-year rolling average that ends prior to the year in which the targets were established. In this case, that is CY 2014-2018, since the targets were established in 2019. Baseline performance is calculated in order to compare whether the actual outcome for CY 2016-2020 was better than the baseline performance (in this case CY 2014-2018), for the targets that were not met.

Then by mid-2023 States that did not meet or make significant progress toward meeting 2017-2021 HSIP targets must submit an HSIP Implementation Plan to FHWA. If a State did not meet or make significant progress toward meeting their 2017-2021 HSIP targets, the State must:

- 1. Use obligation authority equal to the Fiscal Year 2019 HSIP apportionment only for highway safety improvement projects for October 1, 2023 through September 30, 2024.
- 2. Develop and submit a HSIP Implementation Plan that describes actions the State will take to meet or make significant progress toward meeting its targets.

Then in December 2023, FHWA will start the process over again and determine whether a State has met or made significant progress toward meeting 2018-2022 HSIP targets. FHWA uses 2016-2020 data as a baseline period for assessing significant progress for this reporting period.

To compare and determine how Metro COG's metropolitan planning area (MPA) contributes to each state's targets, staff have compiled Assessment Tables for PM1 targets for 2021, 2022 and 2023 for each state's portion of the MPA.

**Below are the Assessment Tables.** The Assessment Tables NDDOT's portion of the MPA are included with numbers that demonstrate how we continue to meet the statewide targets.

## 2021 Performance Measure 1 Target Assessment - NDDOT

2017-2021 Assessment Table

	5-Ye	ar Rolling Avera	ges	Assessment			
	MPO 2015-2019 Baseline Performance	Statewide 2017-2021 Targets Evaluated based on Syr Rolling average	MPO 2017-2021 Actual Performance (ND portion of MPA)	Statewide Target Achieved? Compares to state goal	Better than Baseline?	Met or Made Significant Progress?	
Number of Fatalities	5.8	101.5	5.8	Yes	No		
Fatality Rate (per 100M VMT)	0.242	1.105	0.267	Yes	No		
Number of Serious Injuries	39.4	378.7	34.8	Yes	Yes		
Serious Injury Rate (per 100M VMT)	1.651	4.130	1.661	Yes	No	Yes	
Number of Non- Motorized Fatalities & Serious Injuries	5.40	30.4	4.80	Yes	Yes		

# 2022 Performance Measure 1 Target Assessment - NDDOT

	5-Ye	ar Rolling Avera	ges	Assessment		
	MPO 2016-2020 Baseline Performance	Statewide 2018-2022 Targets Evaluated based on 5yr Rolling average	MPO 2018-2022 Actual Performance (ND portion of MPA)	Statewide Target Achieved? Compares to state goal	Better than Baseline?	Met or Made Significant Progress?
Number of Fatalities	6.6	96.4				
Fatality Rate (per 100M VMT)	0.308	1.094				
Number of Serious Injuries	37.0	359.7				
Serious Injury Rate (per 100M VMT)	1.660	4.089				
Number of Non- Motorized Fatalities & Serious Injuries	5.40	29.8				

2023 Performance Measure 1 Target Assessment - NDDOT 2019-2023 Assessment Table										
	5-Ye	ar Rolling Avera	ges		Assessment					
	MPO 2017-2021 Baseline Performance	Statewide 2019-2023 Targets Evaluated based on 5yr Rolling average	MPO 2019-2023 Actual Performance (ND portion of MPA)	Statewide Target Achieved? Compares to state goal	Better than Baseline?	Met or Made Significant Progress?				
Number of Fatalities	5.8	99.2								
Fatality Rate (per 100M VMT)	0.267	1.080								
Number of Serious Injuries	34.8	397.1								
Serious Injury Rate (per 100M VMT)	1.661	4.201								
Number of Non- Motorized Fatalities & Serious Injuries	4.80	33.5								

Within the Assessment Tables, staff have compared the rate of fatalities and the rate of serious injuries to the state targets, they have a common factor of determining the rate based on per 100 million Vehicle Miles Travelled at either level.

In order for the MPO to compare the MPO target (portion of the data for the MPA within the state the targets are adopted in) to the statewide target for the number of fatalities, number of serious injuries, and number of non-motorized fatalities/number of non-motorized serious injuries, MPO staff needed to determine a common factor to compare the data against. It's important to note that FHWA does not illustrate what this common factor is. Therefore, Metro COG staff determined that the best common factor would be population.

The following **Populations table** illustrates the statewide population, jurisdictions within the MPO within that state, a summary of the jurisdictional total population within the MPO, the county population within the that state, and the Fargo-Moorhead Metropolitan Statistical Area (MSA) population. Note that the Census Bureau doesn't collect population for the MPA, instead it collects it based on the MSA, which the Fargo-Moorhead MSA includes all of Cass County, ND and Clay County, MN.

	Population	% of State Population	% of MSA Population
North Dakota	779,094	100%	N/A
Fargo, ND	125,990	16.17%	50.43%
West Fargo, ND	38,626	4.96%	15.46%
Horace, ND	3,085	0.40%	1.24%
Prairie Rose, ND	47	0.01%	0.02%
Briarwood, ND	43	0.01%	0.02%
Frontier, ND	168	0.02%	0.07%
North River, ND	58	0.01%	0.02%
Reile's Acres, ND	497	0.06%	0.20%
Urbanized Area Jurisdiction	168,514	21.63%	67.45%
Total			
Cass County, ND	184,525	23.69%	73.86%
F-M MSA	249,843	N/A	100%

#### North Dakota Populations - Based on the 2020 Census

Take note that in North Dakota the **Member Jurisdictional total percentage is 21.15%** of the statewide population and the **Cass County population total is 23.69%** of the statewide population. These are the population percentages that staff compared to the percentages listed in gray and parentheses in the 'MPO 2017-2021 Actual Performance\*' column in the assessment tables.

In each Performance Measure 1 Target Assessment table, the MPO Actual Performance column lists the actual 5-year rolling average number for each category (in black) and the percent of the total Statewide target number in that category (in gray). The percent of the Statewide target number is then compared to the percent of the State Population that the Member Jurisdiction Total population is.

#### For example:

The 2021 PM1 Target Assessment – NDDOT table states that the Number of Fatalities for is 101.5 statewide, which is assessed based on a 5-year rolling average of 2017-2021 statewide data.

The MPO 2017-2021 actual performance for the North Dakota portion of the MPA was 5.8, which is **5.7%** of the total 101.5 target.

The Urbanized Area Jurisdiction total population is **21.63%** of the statewide population and Cass County's population is **23.69%** of the statewide population.

When compared to either the Urbanized Area Jurisdiction population or Cass County population percentages, 5.7% is still significantly lower.

Therefore, the MPO is achieving (supporting) the Statewide Target, as adopted in 2021.

Based on the Target Assessment tables for each state that indicate that the Fargo-Moorhead MPO is meeting or making significant progress towards the targets previously adopted, Metro COG requests that Policy Board approve the attached resolutions for each state that are in support of adopting the statewide Performance Measure 1 – Safety targets, as these targets are in line with the actual performance data.

Once approved by the Policy Board, the resolutions will be signed and distributed to the applicable jurisdictions and programming will occur in accordance.

The TTC reviewed this item on February 9 and recommend approval.

**Requested Action:** Recommend Policy Board adoption of NDDOT's 2023 Safety Performance Measures by signing the enclosed NDDOT resolution.

## RESOLUTION 2023-R002 OF THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

## Adopting HSIP Performance Targets

Whereas, the U.S. Department of Transportation established five performance measures for the Highway Safety Improvement Program (HSIP) as detailed in 23 CFR 490, Subpart B, National Performance Measures for the Highway Safety Improvement Program;

Whereas, the North Dakota Department of Transportation (NDDOT) established performance targets for each of the five HSIP performance measures in accordance with 23 CFR 490.209; and

*Whereas,* metropolitan planning organizations (MPOs) must establish performance targets for each of the HSIP performance measures; and

Whereas, MPOs establish HSIP targets by either agreeing to plan and program projects so that they contribute to the accomplishment of the State DOT HSIP target or commit to a quantifiable HSIP target for the metropolitan planning area; and

**Now, therefore, be it resolved,** that the Fargo-Moorhead Metropolitan Council of Governments agrees to plan and program projects so that the projects contribute to the accomplishment of NDDOT's calendar year 2023 HSIP targets for the following performance measures:

Number of fatalities: 99.2; Rate of fatalities: 1.080 per 100 million vehicle miles traveled; Number of serious injuries: 397.1; Rate of serious injuries: 4.201 per 100 million vehicle miles traveled; and, Number of non-motorized fatalities and non-motorized serious injuries: 33.5.

Fargo-Moorhead Metropolitan Council of Governments

Chuck Hendrickson, Metro COG Policy Board Chair

Cynthia R Gray, Metro COG Executive Director

Date:

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Agenda Item 3g

To: Policy Board
From: Ari Del Rosario, AICP
Date: February 10, 2023
Re: Performance Measure 1 (PM1) – 2023 Safety Target Adoption MN

As a part of the Fixing America's Surface Transportation (FAST) Act, which was signed into law on December 4, 2015, State DOTs and MPOs are required to establish quantifiable targets for performance measures. There are three performance measures.

Performance Measure 1 (PM1) is meant to establish performance targets related to safety. This falls under §490 Subpart B. As such, each state must annually establish and report performance targets for the Highway Safety Improvement Program (HISP) for the following five (5) safety performance measures:

- 1. Number of Fatalities
- 2. Rate of Fatalities
- 3. Number of Serious Injuries
- 4. Rate of Serious Injuries
- 5. Number of Non-motorized Fatalities and Non-motorized Serious Injuries

As an MPO, Metro COG is required by FHWA to either

- 1. Agree to program projects in each state's portion of the Metropolitan Planning Area (MPA) to support the performance targets established by the respective state and/or
- 2. Establish MPO specific safety performance targets for all or some of the above five measures.

These are reviewed and revised annually. 2023 is the fifth year we are reviewing and adopting PM1 targets for the MPA.

Since 2018, Policy Board has adopted MnDOT's Safety Performance Measures for the MPA. Based on the crash data available to us, **Metro COG again requests that Policy Board adopt of MnDOT's Safety Performance Measures for the MPA.** This information is based on the following analysis and timeframe.

In December 2022, FHWA determined whether a State has met or made significant progress toward meeting 2017-2021 HSIP targets. FHWA used 2015-2019 data as a baseline period for assessing significant progress. In March 2023, FHWA will report their findings to States indicating whether the State has met or made significant progress towards meeting their 2017-2021 HSIP targets.

FHWA uses the following table to determine if a State has met or made significant progress towards their Performance Measure 1 Targets (received from

https://safety.fhwa.dot.gov/hsip/spm/pm\_progress\_fs.cfm).

	5-year Rolling Averages						
Performance Measure	TARGET 2016 - 2020 <sup>A</sup>	ACTUAL 2016- 2020 <sup>B</sup>	BASELINE 2014- 2018 <sup>C</sup>	Target Achieved?	Better than Baseline?	Met or Made Significant Progress?	
Number of Fatalities	465	472.4	474	No	√ Yes	Yes	
Fatality Rate	0.980	0.990	0.988	No	No	(4 out of 5 targets met or made	
Number of Serious Injuries	2,560.0	2,578.4	2,703.2	No	√ Yes	significant progress)	
Serious Injury Rate	4.126	4.214	4.288	No	√ Yes		
Number of Non- motorized Fatalities and Serious Injuries	108.0	107.6	113.2	√ Yes	N/A		

#### Example Significant Progress Determination for CY 2020 Safety Performance Targets

(A) CY 2020 Targets are established and reported in the August 31, 2019 HSIP Annual Report.

(B) Actual performance is the 5-year rolling average ending in the year for which the targets were established. In this case that is CY 2016-2020. (C) Baseline performance is the 5-year rolling average that ends prior to the year in which the targets were established. In this case, that is CY 2014-2018, since the targets were established in 2019. Baseline performance is calculated in order to compare whether the actual outcome for CY 2016-2020 was better than the baseline performance (in this case CY 2014-2018), for the targets that were not met.

Then by mid-2023 States that did not meet or make significant progress toward meeting 2017-2021 HSIP targets must submit an HSIP Implementation Plan to FHWA. If a State did not meet or make significant progress toward meeting their 2017-2021 HSIP targets, the State must:

- 1. Use obligation authority equal to the Fiscal Year 2020 HSIP apportionment only for highway safety improvement projects for October 1, 2023 through September 30, 2024.
- 2. Develop and submit an HSIP Implementation Plan that describes actions the State will take to meet or make significant progress toward meeting its targets.

Then in December 2023, FHWA will start the process over again and determine whether a State has met or made significant progress toward meeting 2018-2022 HSIP targets. FHWA uses 2016-2020 data as a baseline period for assessing significant progress for this reporting period.

To compare and determine how Metro COG's metropolitan planning area (MPA) contributes to each state's targets, staff have compiled Assessment Tables for PM1 targets for 2021, 2022 and 2023 for each state's portion of the MPA.

**Below are the Assessment Tables.** The Assessment Tables for MnDOT's portion of the MPA are included with numbers that demonstrate how we continue to meet the statewide targets.

## 2021 Performance Measure 1 Target Assessment - MnDOT

2017-2021 Assessment Table

	5-Ye	ar Rolling Avera	ges	Assessment			
	MPO 2015-2019 Baseline Performance	Statewide 2017-2021 Targets Evaluated based on Syr Rolling average	MPO 2017-2021 Actual Performance (MN portion of MPA)	Statewide Target Achieved? Compares to state goal	Better than Baseline?	Met or Made Significant Progress?	
Number of Fatalities	1.4	352.4	2.0	Yes	No		
Fatality Rate (per 100M VMT)	0.124	0.582	0.304	Yes	No		
Number of Serious Injuries	9.4	1579.8	8.2	Yes	Yes		
Serious Injury Rate (per 100M VMT)	0.844	2.606	0.746	Yes	Yes	Yes	
Number of Non- Motorized Fatalities & Serious Injuries	0.6	218.2	0.6	Yes	No		

## 2022 Performance Measure 1 Target Assessment - MnDOT

2018-2022 Assessment Table									
	5-Ye	ar Rolling Avera	ges	Assessment					
	MPO 2016-2020 Baseline Performance	Statewide 2018-2022 Targets Evaluated based on Syr Rolling average	MPO 2018-2022 Actual Performance (MN portion of MPA)	Statewide Target Achieved? Compares to state goal	Better than Baseline?	Met or Made Significant Progress?			
Number of Fatalities	2.0	352.4							
Fatality Rate (per 100M VMT)	0.222	0.582							
Number of Serious Injuries	8.4	1463.4							
Serious Injury Rate (per 100M VMT)	0.824	2.470							
Number of Non- Motorized Fatalities & Serious Injuries	0.6	258.4							

2023 Performance Measure 1 Target Assessment - MnDOT 2019-2023 Assessment Table										
	5-Ye	ar Rolling Avera	ges		Assessment					
	MPO 2017-2021 Baseline Performance	Statewide 2019-2023 Targets Evaluated based on 5yr Rolling average	MPO 2019-2023 Actual Performance (MN portion of MPA)	Statewide Target Achieved? Compares to state goal	Better than Baseline?	Met or Made Significant Progress?				
Number of Fatalities	2.0	352.4								
Fatality Rate (per 100M VMT)	0.304	0.582								
Number of Serious Injuries	8.2	1463.4								
Serious Injury Rate (per 100M VMT)	0.746	2.470								
Number of Non- Motorized Fatalities & Serious Injuries	0.6	258.4								

Within the Assessment Tables, staff have compared the rate of fatalities and the rate of serious injuries to the state targets, they have a common factor of determining the rate based on per 100 million Vehicle Miles Travelled at either level.

In order for the MPO to compare the MPO target (portion of the data for the MPA within the state the targets are adopted in) to the statewide target for the number of fatalities, number of serious injuries, and number of non-motorized fatalities/number of non-motorized serious injuries, MPO staff needed to determine a common factor to compare the data against. It's important to note that FHWA does not illustrate what this common factor is. Therefore, Metro COG staff determined that the best common factor would be population.

The following **Populations table** illustrates the statewide population, jurisdictions within the MPO within that state, a summary of the jurisdictional total population within the MPO, the county population within the that state, and the Fargo-Moorhead Metropolitan Statistical Area (MSA) population. Note that the Census Bureau doesn't collect population for the MPA, instead it collects it based on the MSA, which the Fargo-Moorhead MSA includes all of Cass County, ND and Clay County, MN.

	Population	% of State Population	% of MSA Population
Minnesota	5,706,494	100%	N/A
Moorhead, MN	44,505	0.78%	17.81%
Dilworth, MN	4,612	0.08%	1.85%
Member Jurisdiction Total	49,117	0.86%	19.66%
Clay County, MN	65,318	1.14%	26.14%
F-M MSA	249,843	N/A	100%

#### Minnesota Populations - Based on the 2020 Census

Take note that in Minnesota the **Member Jurisdictional total percentage is 0.86%** of the statewide population and the **Clay County population total is 1.14%** of the statewide population. These are the population percentages that staff compared to the percentages listed in gray and parentheses in the 'MPO 2017-2021 Actual Performance\*' column in the assessment tables.

In each Performance Measure 1 Target Assessment table, the MPO Actual Performance column lists the actual 5-year rolling average number for each category (in black) and the percent of the total Statewide target number in that category (in gray). The percent of the Statewide target number is then compared to the percent of the State Population that the Member Jurisdiction Total population is.

#### For example:

The 2021 PM1 Target Assessment – MnDOT table states that the target for the Number of Fatalities for 2017-2021 is a maximum of 352.4 statewide, which is assessed based on a 5-year rolling average of 2017-2021 statewide data.

The MPO 2017-2021 actual performance for the Minnesota portion of the MPA was 2.0, which is **0.57%** of the total 352.4 target.

The Member Jurisdiction total population is **0.86%** of the statewide population and Clay County's population is **1.14%** of the statewide population.

When compared to either the Member Jurisdiction population or Clay County population percentages, 0.57% is still significantly lower.

Therefore, the MPO is achieving (supporting) the Statewide Target, as adopted in 2021.

Based on the Target Assessment tables for each state that indicate that the Fargo-Moorhead MPO is meeting or making significant progress towards the targets previously adopted, Metro COG requests that Policy Board approve the attached resolutions for each state that are in support of adopting the statewide Performance Measure 1 – Safety targets, as these targets are in line with the actual performance data. Once approved by the Policy Board, the resolutions will be signed and distributed to the applicable jurisdictions and programming will occur in accordance.

The TTC reviewed this item on February 9 and recommended approval.

**Requested Action:** Recommend Policy Board adoption of MnDOT's 2023 Safety Performance Measures by signing the enclosed MnDOT resolution.

## RESOLUTION 2023-R003 OF THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

## Adopting HSIP Performance Targets

Whereas, the U.S. Department of Transportation established five performance measures for the Highway Safety Improvement Program (HSIP) as detailed in 23 CFR 490, Subpart B, National Performance Measures for the Highway Safety Improvement Program;

Whereas, the Minnesota Department of Transportation (MnDOT) established performance targets for each of the five HSIP performance measures in accordance with 23 CFR 490.209; and

*Whereas,* metropolitan planning organizations (MPOs) must establish performance targets for each of the HSIP performance measures; and

Whereas, MPOs establish HSIP targets by either agreeing to plan and program projects so that they contribute to the accomplishment of the State DOT HSIP target or commit to a quantifiable HSIP target for the metropolitan planning area; and

**Now, therefore, be it resolved,** that the Fargo-Moorhead Metropolitan Council of Governments agrees to plan and program projects so that the projects contribute to the accomplishment of MnDOT's calendar year 2023 HSIP targets for the following performance measures:

Number of fatalities: 352.4; Rate of fatalities: 0.582 per 100 million vehicle miles traveled; Number of serious injuries: 1,463.4; Rate of serious injuries: 2.470 per 100 million vehicle miles traveled; and, Number of non-motorized fatalities and non-motorized serious injuries: 258.4.

Fargo-Moorhead Metropolitan Council of Governments

Chuck Hendrickson, Metro COG Policy Board Chair

Cynthia R Gray, Metro COG Executive Director

Date: \_\_\_\_\_



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Agenda Item 3g

- To: Policy Board
- Ari Del Rosario From:
- Date: February 10, 2023
- Technical Report on FHWA National Performance Management Measure 2 Re: Pavement Condition (Subpart C) & Bridge Condition (Subpart D) ND

## Overview

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was passed. This law continues the performance measure methodology established in MAP-21 with further clarification and the establishment of performance measure targets. These revisions include the establishment of quantifiable targets for each performance measure identified in §490 Subpart C to assess NHS pavement condition and §490 Subpart C to assess NHS bridge condition.

As part of the target establishment, Metro COG must (1) report their established targets to the respective State DOTs (i.e. resolutions) and (2) report the baseline condition/performance and progress toward the achievement of the targets in the system performance report in the LRTP.

### §490 Subpart C

Per §490 Subpart C every four years each State DOT is required by Federal Highway Administration (FHWA) to establish four (4) pavement condition performance measure targets. The State DOTs also need to report annually on each of these targets. Below are the performance measure targets for pavement conditions:

- Percent of Interstate Pavement in Good Condition •
- Percent of Interstate Pavement in Poor Condition ٠
- Percent of Non-interstate NHS Pavement in Good Condition •
- Percent of Non-interstate NHS Pavement in Poor Condition •

Each jurisdiction assesses a variety of roadway factors for each segment to calculate the pavement condition. Then those assessments are combined and an output of a standard Pavement Condition Index (PCI) is produced. The following are PCI ratings and their associated range of scores:

Excellent	86-100
Good	71-85
Fair	56-70
Poor	0-55

### §490 Subpart D

Per §490 Subpart D every four years each State DOT is required by Federal Highway Administration (FHWA) to establish two (2) bridge condition performance measure targets. The State DOTs also need to report annually on each of these targets. Below are the performance measure targets for pavement conditions:

- Percent of NHS Bridges in Good Condition
- Percent of NHS Bridges in Poor Condition

Each bridge on the NHS system is assessed annually and the score is entered into the National Bridge Inventory (NBI). The score is based on the inspection ratings of the bridge's deck, superstructure, and substructure. Each bridge is given an overall rating based on the lowest score of the three elements. The scores are based on the following ranges:

Good	7-9
Fair	5-6
Poor	0-4

## Data

## §490 Subpart C – Pavement Condition Data

Within each portion of the MPA the pavement condition has been assessed. The following table illustrates the PM2 – pavement conditions within the ND portion of the MPA and the associated State DOT set performance targets.

	ND Portion of MPA	NDDOT set Targets
% of Interstate Pavement in Good Condition	77.35%	75.6%
% of Interstate Pavement in Poor Condition	0%	3%
% of Non-interstate NHS Pavement in Good Condition	15.55%	58.3%
% of Non-interstate NHS Pavement in Poor Condition	0.87%	3%

\* Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets. Cells filled in pink mean that the relative portion of the MPA does not meet the associated State DOT set targets.

The type of target depends on how the measurement is determined to meet or not meet the target. To meet a good condition target, the percentage needs to be equal to or greater than the target percentage. In order to meet a poor condition target, the percentage needs to be less than or equal to the target percentage.

## §490 Subpart D – Bridge Condition Data

Within the ND portion of the MPA the bridge condition has been assessed. The following table illustrates the PM2 – bridge conditions within ND's portion of the MPA and the associated State DOT set performance targets.

	ND Portion of MPA	NDDOT set Targets
% of NHS Bridges in Good Condition	54.05%	50%
% of NHS Bridges in Poor Condition	2.03%	10%

\*Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets.

The type of target depends on how the measurement is determined to meet or not meet the target. To meet a good condition target, the percentage needs to be equal to or greater than the target percentage. In order to meet a poor condition target, the percentage needs to be less than or equal to the target percentage.

## Penalties

There are no penalties for not meeting the "good condition" targets. Although, if a "poor condition" percentage is exceeded (i.e. not met), at the State DOT level, the penalty is that according to 23 CFR 490.413 "(1) during the fiscal year following the determination, the State DOT shall obligate and set aside in an amount equal to 50 percent of funds apportioned to such State for fiscal year 2009 to carry out 23 U.S.C. 144 (as in effect the day before enactment of MAP-21) from amounts apportioned to a State for a fiscal year under 23 U.S.C. 104(b)(1) only for eligible projects on bridges on the NHS. (2) The set-aside and obligation requirement for bridges on the NHS in a State in paragraph (a) of this section for a fiscal year shall remain in effect for each subsequent fiscal year until such time as less than 10 percent of the total deck area of bridges in the State on the NHS is located on bridges that have been classified as Structurally Deficient as determined by FHWA."

## Summary

For PM2 – Pavement and Bridge Conditions, the respective State DOT set performance measure targets for calendar year 2022-2025.

The MPA is meeting and exceeding most targets related to pavement condition. Metro COG funds some of the Non-Interstate NHS roadways and can plan and maintain those roadways through the LRTP, TIP, and UPWP. The Interstate roadways are planned and maintained by the respective State DOTs.

In regards to bridge conditions, Metro COG does not fund the maintenance of the bridges on the NHS.

The TTC reviewed this item on February 9 and recommended approval.

**Requested Action:** Recommend Policy Board adoption of NDDOT's 2023 Pavement and Bridge Condition Performance Measures by signing the enclosed NDDOT resolution.

#### RESOLUTION 2023-R004 OF THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

#### Adopting NHS Pavement and Bridge Condition Performance Targets

**Whereas**, the U.S. Department of Transportation established performance measures for pavement and bridge condition on the National Highway System as detailed in 23 CFR 490, Subpart C, National Performance Measures for Assessing Pavement Condition, and 23 CFR 490, Subpart D, National Performance Measures for Assessing Bridge Condition;

Whereas, the North Dakota Department of Transportation (NDDOT) established performance targets for each of the four NHS pavement condition performance measures in accordance with 23 CFR 490.307(a); and

Whereas, NDDOT established performance targets for each of the two NHS bridge condition performance measures in accordance with 23 CFR 490.407(c); and

**Whereas**, metropolitan planning organizations (MPOs) must establish performance targets for each of the NHS pavement and bridge condition performance measures; and

**Whereas**, MPOs establish NHS pavement and bridge condition targets by either agreeing to plan and program projects so that they contribute to the accomplishment of the State DOT NHS pavement or bridge condition target or commit to a quantifiable target for the metropolitan planning area;

**Now, therefore, be it resolved,** that the Fargo-Moorhead Metropolitan Council of Governments agrees to plan and program projects so that the projects contribute to the accomplishment of NDDOT's NHS pavement and bridge condition targets for the calendar years of 2022-2026:

Percentage of NHS Bridges in Good Condition: 75.6%; Percentage of NHS Bridges in Poor Condition; 3%; Percentage of Interstate Pavement in Good Condition: 58.3%; Percentage of Interstate Pavement in Poor Condition: 3%; Percentage of Non-Interstate Pavement in Good Condition: 50%; Percentage of Non-Interstate Pavement in Poor Condition; 10%.

Fargo-Moorhead Metropolitan Council of Governments

Chuck Hendrickson, Metro COG Policy Board Chair

Cindy Gray, Metro COG Executive Director

Date: \_

## **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

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Agenda Item 3g

To: Policy Board

Ari Del Rosario, AICP From:

- Date: February 10, 2023
- Technical Report on FHWA National Performance Management Measure 2 Re: Pavement Condition (Subpart C) & Bridge Condition (Subpart D) MN

## Overview

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was passed. This law continues the performance measure methodology established in MAP-21 with further clarification and the establishment of performance measure targets. These revisions include the establishment of quantifiable targets for each performance measure identified in §490 Subpart C to assess NHS pavement condition and §490 Subpart C to assess NHS bridge condition.

As part of the target establishment, Metro COG must (1) report their established targets to the respective State DOTs (i.e. resolutions) and (2) report the baseline condition/performance and progress toward the achievement of the targets in the system performance report in the LRTP.

## §490 Subpart C

Per §490 Subpart C every four years each State DOT is required by Federal Highway Administration (FHWA) to establish four (4) pavement condition performance measure targets. The State DOTs also need to report annually on each of these targets. Below are the performance measure targets for pavement conditions:

- Percent of Interstate Pavement in Good Condition •
- Percent of Interstate Pavement in Poor Condition ٠
- Percent of Non-interstate NHS Pavement in Good Condition •
- Percent of Non-interstate NHS Pavement in Poor Condition •

Each jurisdiction assesses a variety of roadway factors for each segment to calculate the pavement condition. Then those assessments are combined and an output of a standard Pavement Condition Index (PCI) is produced. The following are PCI ratings and their associated range of scores:

Excellent	86-100
Good	71-85
Fair	56-70
Poor	0-55

### §490 Subpart D

Per §490 Subpart D every four years each State DOT is required by Federal Highway Administration (FHWA) to establish two (2) bridge condition performance measure targets. The State DOTs also need to report annually on each of these targets. Below are the performance measure targets for pavement conditions:

- Percent of NHS Bridges in Good Condition
- Percent of NHS Bridges in Poor Condition

Each bridge on the NHS system is assessed annually and the score is entered into the National Bridge Inventory (NBI). The score is based on the inspection ratings of the bridge's deck, superstructure, and substructure. Each bridge is given an overall rating based on the lowest score of the three elements. The scores are based on the following ranges:

Good	7-9
Fair	5-6
Poor	0-4

## Data

## §490 Subpart C – Pavement Condition Data

Within each portion of the MPA the pavement condition has been assessed. The following table illustrates the PM2 – pavement conditions within the MN portion of the MPA and the associated State DOT set performance targets.

	MN Portion of MPA	MnDOT set Targets
% of Interstate Pavement in Good Condition	67.42%	60%
% of Interstate Pavement in Poor Condition	0%	2%
% of Non-interstate NHS Pavement in Good Condition	52.94%	55%
% of Non-interstate NHS Pavement in Poor Condition	0%	2%

\* Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets.

The type of target depends on how the measurement is determined to meet or not meet the target. To meet a good condition target, the percentage needs to be equal to or greater than the target percentage. In order to meet a poor condition target, the percentage needs to be less than or equal to the target percentage.

## §490 Subpart D – Bridge Condition Data

Within the MN portion of the MPA the bridge condition has been assessed. The following table illustrates the PM2 – bridge conditions within MN's portion of the MPA and the associated State DOT set performance targets.

	MN Portion of MPA	MnDOT set Targets
% of NHS Bridges in Good Condition	11.87%	30%
% of NHS Bridges in Poor Condition	5.95%	5%

\* Cells filled in pink mean that the relative portion of the MPA does not meet the associated State DOT set targets.

The type of target depends on how the measurement is determined to meet or not meet the target. To meet a good condition target, the percentage needs to be equal to or greater than the target percentage. In order to meet a poor condition target, the percentage needs to be less than or equal to the target percentage.

## Penalties

There are no penalties for not meeting the "good condition" targets. Although, if a "poor condition" percentage is exceeded (i.e. not met), at the State DOT level, the penalty is that according to 23 CFR 490.413 "(1) during the fiscal year following the determination, the State DOT shall obligate and set aside in an amount equal to 50 percent of funds apportioned to such State for fiscal year 2009 to carry out 23 U.S.C. 144 (as in effect the day before enactment of MAP-21) from amounts apportioned to a State for a fiscal year under 23 U.S.C. 104(b)(1) only for eligible projects on bridges on the NHS. (2) The set-aside and obligation requirement for bridges on the NHS in a State in paragraph (a) of this section for a fiscal year shall remain in effect for each subsequent fiscal year until such time as less than 10 percent of the total deck area of bridges in the State on the NHS is located on bridges that have been classified as Structurally Deficient as determined by FHWA."

## Summary

For PM2 – Pavement and Bridge Conditions, the respective State DOT set performance measure targets for calendar year 2022-2025.

The MPA is meeting and exceeding the targets related to pavement condition. Metro COG funds some of the Non-Interstate NHS roadways and can plan and maintain those roadways through the LRTP, TIP, and UPWP. The Interstate roadways are planned and maintained by the respective State DOTs.

In regards to bridge conditions, Metro COG does not fund the maintenance of the bridges on the NHS.

The TTC reviewed this item on February 9 and recommended approval.

**Requested Action:** Recommend Policy Board adoption of MnDOT's 2023 Pavement and Bridge Condition Performance Measures by signing the enclosed MnDOT resolution.

#### RESOLUTION 2023-R005 OF THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

#### Adopting NHS Pavement and Bridge Condition Performance Targets

**Whereas**, the U.S. Department of Transportation established performance measures for pavement and bridge condition on the National Highway System as detailed in 23 CFR 490, Subpart C, National Performance Measures for Assessing Pavement Condition, and 23 CFR 490, Subpart D, National Performance Measures for Assessing Bridge Condition;

Whereas, the Minnesota Department of Transportation (MnDOT) established performance targets for each of the four NHS pavement condition performance measures in accordance with 23 CFR 490.307(a); and

*Whereas*, MnDOT established performance targets for each of the two NHS bridge condition performance measures in accordance with 23 CFR 490.407(c); and

*Whereas,* metropolitan planning organizations (MPOs) must establish performance targets for each of the NHS pavement and bridge condition performance measures; and

Whereas, MPOs establish NHS pavement and bridge condition targets by either agreeing to plan and program projects so that they contribute to the accomplishment of the State DOT NHS pavement or bridge condition target or commit to a quantifiable target for the metropolitan planning area;

**Now, therefore, be it resolved,** that the Fargo-Moorhead Metropolitan Council of Governments agrees to plan and program projects so that the projects contribute to the accomplishment of MnDOT's NHS pavement and bridge condition targets for the calendar years of 2022 through 2025:

Percentage of NHS Bridges in Good Condition: 60%;

Percentage of NHS Bridges in Poor Condition: 2%;

Percentage of Interstate Pavement in Good Condition: 55%;

Percentage of Interstate Pavement in Poor Condition: 2%;

Percentage of Non-Interstate Pavement in Good Condition: 30% (2-Year 2023 Target); 35% (4-Year 2025 Target);

Percentage of Non-Interstate Pavement in Poor Condition; 5%.

Fargo-Moorhead Metropolitan Council of Governments

Chuck Hendrickson, Metro COG Policy Board Chair

Cindy Gray, Metro COG Executive Director

Date: \_

# **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

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Agenda Item 3g

To: Policy Board

Ari Del Rosario, AICP From:

Date: February 10, 2023

Technical Report on FHWA National Performance Management Measure 3 – Re: Performance of the NHS (Subpart E) & Freight Movement on the Interstate (Subpart F) ND

## Overview

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was passed. This law continues the performance measure methodology established in MAP-21 with further clarification and the establishment of performance measure targets. These revisions include the establishment of quantifiable targets for each performance measure identified in §490 Subpart E to assess performance on the NHS and §490 Subpart F to assess freight movement on the Interstate.

As part of the target establishment, Metro COG must (1) report their established targets to the respective State DOTs (i.e. resolutions) and (2) report the baseline condition / performance and progress toward the achievement of the targets in the system performance report in the LRTP.

## §490 Subpart E

Per §490 Subpart E every four years each State DOT is required by Federal Highway Administration (FHWA) to establish two (2) travel reliability performance measure targets. Travel time reliability is defined by the consistency or dependability of travel times from day to day or across different times of the day. The State DOTs also need to report annually on each of these targets. Below are the performance measure targets for travel reliability:

- Percent of person-miles traveled on the Interstate that are reliable
- Percent of person-miles traveled on the Non-Interstate NHS that are reliable •

FHWA requires the use of National Performance Management Research Data Set (NPMRDS) to calculate the travel reliability for each roadway segment. NPMRDS uses passive travel data (probe data) to anonymously track how people travel and at what speed the vehicle travels. The NPMRDS provides a monthly archive of probe data that includes average travel times that are reported every 5-minutes when data is available on the NHS.

Using the NPMRDS probe data, the Level of Travel Time Reliability (LOTTR) can be calculated for four (4) analysis periods using the following ratio:

Longer travel times (80<sup>th</sup> percentile of travel times) to Normal travel times (50<sup>th</sup> percentile of travel times)

The analysis periods are:

Morning Weekday (6am-10am) Midday Weekday (10am -4pm) Afternoon Weekday (4pm-8pm) Weekends (6am-8pm)

Reliable segments of roadway are considered to have a ratio of 1.50 or less, whereas segments of roadway with a ratio above 1.50 are considered unreliable.

It is important to note that between 2016 and 2017, NPMRDS switched probe data providers from HERE to INRIX. With that switch there was a dramatic increase in the reliability of the data.

## §490 Subpart F

Per §490 Subpart F every four years each State DOT is required by Federal Highway Administration (FHWA) to establish one (1) freight movement on the Interstate performance measure target. The State DOTs also need to report annually on each of these targets. Below is the performance measure target for freight movement:

• Truck Travel Time Reliability Index

The NPMRDS provides truck travel times on the Interstate system in 15-minute increments.

Good	7-9
Fair	5-6
Poor	0-4

## Data

## §490 Subpart E – Auto Travel Time Reliability Data

Within the ND portion of the MPA the Travel Time Reliability (TTR) has been assessed. The following table illustrates the PM3 – TTR within ND's portion of the MPA and the associated State DOT set performance targets.

	2021 ND Portion of MPA	NDDOT set Targets
% of Reliable Person Miles on the Interstate	100%	85%
% of Reliable Person Miles on the Non-Interstate NHS	67%	85%

\* Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets. Cells filled in pink mean that the relative portion of the MPA does not meet the associated State DOT set targets.

Travel time reliability is about consistency. The higher the percentage of reliability, it means that more often the travel time is the same. For example, it takes a person to travel from point A to point B 15 minutes. If the travel time reliability is 90%, it will take that person 15 minutes to get from point A to point B, 9 out of 10 times. The 10<sup>th</sup> time it may take the person a longer time or a short time to travel that distance.

### §490 Subpart F – Truck Travel Time Reliability Data

Within the ND portion of the MPA the Truck Travel Time Reliability (TTTR) Index has been assessed. The following table illustrates the PM3 – TTTR Index within ND's portion of the MPA and the associated State DOT set performance targets.

	2021 ND Portion of MPA	NDDOT set Targets
Truck Travel Time Reliability Index	1.23	2.00

\*Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets.

Truck Travel Time Reliability (TTTR) Index is meant to assess the reliability of the travel time it takes to travel a segment of the Interstate System. The higher the number the more unreliable the segment of roadway is. Thus, it is better to have a lower TTTR Index than a higher one. For example, the Twin Cities MPA has a TTTR Index of 1.49 for 2021. That region is significantly more congested along the Interstate system than the Fargo-Moorhead MPA.

## Penalties

The penalties for PM3 are unclear.

## Summary

For PM3 – System Reliability, the respective State DOT set performance measure targets for calendar year 2022-2025.

The current NDDOT targets are as follows:

- Percentage of Person Miles Traveled on the Interstate that are Reliable: 85%
- Percentage of Person Miles Traveled on the Non-Interstate NHS that are Reliable: 85%
- Truck Travel Time Reliability Index: 2.0

The TTC reviewed this item on February 9 and recommended approval.

**Requested Action:** Metro COG requests a favorable recommendation to the Policy Board to adopt NDDOT's 2023 Auto and Truck Time Reliability Performance Measures.

## Methodology

$$100 \times \frac{\sum_{i=1}^{R} SL_{i} \times AV_{i} \times OF_{j}}{\sum_{i=1}^{T} SL_{i} \times AV_{i} \times OF_{j}}$$

R = total number of Interstate System reporting segments that are exhibiting an LOTTR below 1.50 during all of the time periods identified in § 490.511(b)(1)(i) through (iv);

I = Interstate System reporting segment "i";

SL<sub>i</sub> = length, to the nearest thousandth of a mile, of Interstate System reporting segment "i";

AV<sub>i</sub> = total annual traffic volume to the nearest single vehicle, of the Interstate System reporting segment "i";

J = geographic area in which the reporting segment "i" is located where a unique occupancy factor has been determined;

OF<sub>i</sub> = occupancy factor for vehicles on the NHS within a specified geographic area within the State/Metropolitan planning area; and

T = total number of Interstate System reporting segments.

#### RESOLUTION 2023-R006 OF THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

#### Adopting Performance Targets to Assess NHS Performance and Freight Movement on the Interstate System

Whereas, the U.S. Department of Transportation established performance measures for pavement and bridge condition on the National Highway System as detailed in 23 CFR 490, Subpart E, National Performance Management Measures to Assess Performance of the National Highway System, and 23 CFR 490, Subpart F, National Performance Management Measures to Assess Freight Movement on the Interstate System;

*Whereas,* the North Dakota Department of Transportation (NDDOT) established performance targets for each of the two Travel Time Reliability performance measures in accordance with 23 CFR 490.507(a); and

*Whereas,* NDDOT established a performance target to calculate the Freight Reliability performance measure in accordance with 23 CFR 490.607; and

*Whereas*, metropolitan planning organizations (MPOs) must establish performance targets for the Travel Time Reliability and Freight Reliability measures; and

Whereas, MPOs establish Travel Time Reliability and Freight Reliability targets by either agreeing to plan and program projects so that they contribute to the accomplishment of the State DOT Travel Time Reliability target or Freight Reliability target or commit to a quantifiable target for the metropolitan planning area; and

**Now, therefore, be it resolved**, that the Fargo-Moorhead Metropolitan Council of Governments agrees to plan and program projects so that the projects contribute to the accomplishment of NDDOT's System Reliability targets for calendar years of 2022 through 2026:

Percentage of Person Miles Traveled on the Interstate that are Reliable: 85%; Percentage of Person Miles Traveled on the Non-Interstate NHS that are Reliable: 85%; Truck Travel Time Reliability Index: 2.0.

Fargo-Moorhead Metropolitan Council of Governments

Chuck Hendrickson, Metro COG Policy Board Chair

Cindy Gray, Metro COG Executive Director

Date:

# **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

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Agenda Item 3g

To: Policy Board

Ari Del Rosario, AICP From:

Date: February 10, 2023

Technical Report on FHWA National Performance Management Measure 3 – Re: Performance of the NHS (Subpart E) & Freight Movement on the Interstate (Subpart F) MN

## Overview

On December 4, 2015, the Fixing America's Surface Transportation (FAST) Act was passed. This law continues the performance measure methodology established in MAP-21 with further clarification and the establishment of performance measure targets. These revisions include the establishment of quantifiable targets for each performance measure identified in §490 Subpart E to assess performance on the NHS and §490 Subpart F to assess freight movement on the Interstate.

As part of the target establishment, Metro COG must (1) report their established targets to the respective State DOTs (i.e. resolutions) and (2) report the baseline condition / performance and progress toward the achievement of the targets in the system performance report in the LRTP.

## §490 Subpart E

Per §490 Subpart E every four years each State DOT is required by Federal Highway Administration (FHWA) to establish two (2) travel reliability performance measure targets. Travel time reliability is defined by the consistency or dependability of travel times from day to day or across different times of the day. The State DOTs also need to report annually on each of these targets. Below are the performance measure targets for travel reliability:

- Percent of person-miles traveled on the Interstate that are reliable
- Percent of person-miles traveled on the Non-Interstate NHS that are reliable •

FHWA requires the use of National Performance Management Research Data Set (NPMRDS) to calculate the travel reliability for each roadway segment. NPMRDS uses passive travel data (probe data) to anonymously track how people travel and at what speed the vehicle travels. The NPMRDS provides a monthly archive of probe data that includes average travel times that are reported every 5-minutes when data is available on the NHS.

Using the NPMRDS probe data, the Level of Travel Time Reliability (LOTTR) can be calculated for four (4) analysis periods using the following ratio:

Longer travel times (80<sup>th</sup> percentile of travel times) to Normal travel times (50<sup>th</sup> percentile of travel times)

The analysis periods are:

Morning Weekday (6am-10am) Midday Weekday (10am -4pm) Afternoon Weekday (4pm-8pm) Weekends (6am-8pm)

Reliable segments of roadway are considered to have a ratio of 1.50 or less, whereas segments of roadway with a ratio above 1.50 are considered unreliable.

It is important to note that between 2016 and 2017, NPMRDS switched probe data providers from HERE to INRIX. With that switch there was a dramatic increase in the reliability of the data.

## §490 Subpart F

Per §490 Subpart F every four years each State DOT is required by Federal Highway Administration (FHWA) to establish one (1) freight movement on the Interstate performance measure target. The State DOTs also need to report annually on each of these targets. Below is the performance measure target for freight movement:

• Truck Travel Time Reliability Index

The NPMRDS provides truck travel times on the Interstate system in 15-minute increments.

Good	7-9
Fair	5-6
Poor	0-4

## Data

## §490 Subpart E – Auto Travel Time Reliability Data

Within the MN portion of the MPA the Travel Time Reliability (TTR) has been assessed. The following table illustrates the PM3 – TTR within each MN's portion of the MPA and the associated State DOT set performance targets.

	2021 MN Portion of MPA	MnDOT set Targets
% of Reliable Person Miles on the Interstate	100%	80%
% of Reliable Person Miles on the Non-Interstate NHS	85%	82%

\* Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets.

Travel time reliability is about consistency. The higher the percentage of reliability, it means that more often the travel time is the same. For example, it takes a person to travel from point A to point B 15 minutes. If the travel time reliability is 90%, it will take that person 15 minutes to get from point A to point B, 9 out of 10 times. The 10<sup>th</sup> time it may take the person a longer time or a short time to travel that distance.

### §490 Subpart F – Truck Travel Time Reliability Data

Within the MN portion of the MPA the Truck Travel Time Reliability (TTTR) Index has been assessed. The following table illustrates the PM3 – TTTR Index within MN's portion of the MPA and the associated State DOT set performance targets.

	2020 MN Portion of MPA	MnDOT set Targets
Truck Travel Time Reliability Index	1.14	1.40

\*Cells filled in green mean that the relative portion of the MPA meets or exceeds the associated State DOT's set targets.

Truck Travel Time Reliability (TTTR) Index is meant to assess the reliability of the travel time it takes to travel a segment of the Interstate System. The higher the number the more unreliable the segment of roadway is. Thus, it is better to have a lower TTTR Index than a higher one. For example, the Twin Cities MPA has a TTTR Index of 1.49 for 2021. That region is significantly more congested along the Interstate system than the Fargo-Moorhead MPA.

## Penalties

The penalties for PM3 are unclear.

## Summary

For PM3 – System Reliability, the respective State DOT set performance measure targets for calendar year 2022-2025.

The current MnDOT targets are as follows:

- Percentage of Person Miles Traveled on the Interstate that are Reliable: 82%
- Percentage of Person Miles Traveled on the Non-Interstate NHS that are Reliable: 90%
- Truck Travel Time Reliability Index: 1.4

The TTC reviewed this item on February 9 and recommended approval.

**Requested Action:** Recommend Policy Board adoption of MnDOT's 2023 Auto and Truck Time Reliability Performance Measures by signing the enclosed MnDOT resolution.

## Methodology

$$100 \times \frac{\sum_{i=1}^{R} SL_{i} \times AV_{i} \times OF_{j}}{\sum_{i=1}^{T} SL_{i} \times AV_{i} \times OF_{j}}$$

R = total number of Interstate System reporting segments that are exhibiting an LOTTR below 1.50 during all of the time periods identified in § 490.511(b)(1)(i) through (iv);

I = Interstate System reporting segment "i";

SL<sub>i</sub> = length, to the nearest thousandth of a mile, of Interstate System reporting segment "i";

AV<sub>i</sub> = total annual traffic volume to the nearest single vehicle, of the Interstate System reporting segment "i";

J = geographic area in which the reporting segment "i" is located where a unique occupancy factor has been determined;

OF<sub>i</sub> = occupancy factor for vehicles on the NHS within a specified geographic area within the State/Metropolitan planning area; and

T = total number of Interstate System reporting segments.

#### RESOLUTION 2023-R007 OF THE FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS

## Adopting Performance Targets to Assess NHS Performance and Freight Movement on the Interstate System

Whereas, the U.S. Department of Transportation established performance measures for pavement and bridge condition on the National Highway System as detailed in 23 CFR 490, Subpart E, National Performance Management Measures to Assess Performance of the National Highway System, and 23 CFR 490, Subpart F, National Performance Management Measures to Assess Freight Movement on the Interstate System;

Whereas, the Minnesota Department of Transportation (MnDOT) established performance targets for each of the two Travel Time Reliability performance measures in accordance with 23 CFR 490.507(a); and

*Whereas,* MnDOT established a performance target to calculate the Freight Reliability performance measure in accordance with 23 CFR 490.607; and

*Whereas*, metropolitan planning organizations (MPOs) must establish performance targets for the Travel Time Reliability and Freight Reliability measures; and

Whereas, MPOs establish Travel Time Reliability and Freight Reliability targets by either agreeing to plan and program projects so that they contribute to the accomplishment of the State DOT Travel Time Reliability target or Freight Reliability target or commit to a quantifiable target for the metropolitan planning area; and

**Now, therefore, be it resolved**, that the Fargo-Moorhead Metropolitan Council of Governments agrees to plan and program projects so that the projects contribute to the accomplishment of MnDOT's System Reliability targets for calendar years of 2022 through 2025:

Percentage of Person Miles Traveled on the Interstate that are Reliable: 82%; Percentage of Person Miles Traveled on the Non-Interstate NHS that are Reliable: 90%; Truck Travel Time Reliability Index: 1.4.

Fargo-Moorhead Metropolitan Council of Governments

Chuck Hendrickson, Metro COG Policy Board Chair

Cindy Gray, Metro COG Executive Director

Date:

# **METROCOG** Fargo-Moorhead Metropolitan Council of Governments

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To: Policy Board From: Adam Altenburg, AICP Date: February 10, 2023 Safe Streets and Roads for All (SS4A) Action Plan Grant Update Re:

On January 31, Metro COG was notified that it had been selected to receive a Safe Streets and Roads for All (SS4A) grant award to develop a regional comprehensive safety action plan. This grant application was submitted in September 2022 as a joint application between Metro COG and each of the seven major jurisdictions (Fargo, Moorhead, West Fargo, Dilworth, Horace, Cass County, and Clay County). The selection award is for \$200,000 in federal funding, which requires a 20 percent (\$50,000) local match for a total project budget of \$250,000. The local match will break out as follows:

Cass Co	Clay Co	Dilworth	Fargo	Horace	Moorhead	West Fargo	Total
5.3%	6.1%	2.0%	50%	1.3%	19.3%	16.2%	100%
\$2,650	\$3,050	\$1,000	\$25,000	\$650	\$9,650	\$8,100	\$50,000

As detailed in the grant application, this first-of-its-kind regional comprehensive safety action plan will provide a framework of innovative strategies and implementation actions intended to reduce transportation-related fatalities and serious injuries and support federal safety initiatives. One component that has been outlined is a dashboard and toolkit that will include graphic visualizations illustrating safety countermeasures, context-sensitive solutions, and performance measure tracking. Another component of the safety plan is an implementation matrix for implementing safety measures including detailed policies and low-cost/high-impact strategies as well as specific construction projects in the Fargo-Moorhead area including scope, budget, and time frame. Upon completion of this plan, Metro COG and area jurisdictions will be able to apply for implementation grants under the SS4A program to fund the planning, design, and development of multimodal safety improvements.

In the next few weeks, the Federal Highway Administration (FHWA) will establish and execute an SS4A grant agreement with Metro COG. This agreement is required prior to the disbursement of award funds. Metro COG will also receive additional information about next steps, including an invitation to an upcoming FHWA-sponsored webinar for grant recipients regarding the process leading to an executed grant agreement.

At the same time, Metro COG will work to refine an RFP and scope of work for the comprehensive safety action plan that will expand upon the project narrative tasks submitted with the grant application. Metro COG will also work to develop a UPWP amendment to add the comprehensive safety action plan to its 2023-2024 UPWP.

It is envisioned that this RFP will be released in March or April.

More information about FY22 grants awards and selected projects can be found at www.transportation.gov/grants/SS4A.

#### **Requested Action: None.**