

FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2021-216

Fargo Transportation Plan

December, 2020

APPROVED:



Cindy Gray
Metro COG, Executive Director

METROCOG
FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

REQUEST FOR PROPOSALS (RFP)

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

Fargo Transportation Plan

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an oral interview. Upon completion of oral interviews and technical rankings, 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 **\$175,000**.

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

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 pm (Central Time) on Friday January 29, 2021** at Metro COG's office will be given equal consideration. Proposals received after 4:30 pm (Central Time) on Friday, January 29, 2021 will not be considered. Respondents must submit seven (7) print copies and one (1) PDF copy of the proposal. The full length of each proposal shall not exceed twenty (20) double sided pages for a total of forty (40) pages; including any supporting material, charts, or tables.

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

Michael Maddox
Fargo-Moorhead Metropolitan Council of Governments
Case Plaza, Suite 232
One 2nd Street North
Fargo, ND 58102
maddox@fmmetrocog.org
701-532-5104

Fax versions will not be accepted as substitutes for the hard copies. 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, Executive Secretary 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 needs of a regional nature. Metro COG represents eleven cities and two counties that comprise the Metro COG region in these efforts.

II BACKGROUND INFORMATION

In recent years, the City of Fargo has implemented varying types of roadway infrastructure, especially intersection treatments. The City of Fargo would like the Transportation Plan to provide clear guidance on when to implement certain design features and access management policies, designate a local functional classification network to aide in land use/infrastructure decisions, have realistic descriptions on the purpose and functionality of roadway types, set expectations for system users (make sure that infrastructure is developed in a cohesive manner with similar characteristics), incorporate visions for corridors to be used when reconstruction occurs, and Identify and illustrate concepts that can be implemented by the situations to which they are best suited. City maps, diagrams and illustrations are expected to take this guidance from the macro scale to the micro scale, transitioning from city-wide designations, to specific applications appropriate on certain types of facilities.

The City of Fargo would also like guidance on typical sections of roadways of different capacities, characteristics of roadways in each of the identified functional classifications, and ROW requirements. The focus of this Plan is not intended to be a traffic analysis. The Plan will not identify future roadway capacity needs. This guidance should particularly focus on roadway operations including: access management, what metrics should be used to analyze capacity expansion of particular roadways, how parking could be integrated in different roadway types, and infrastructure that can be particularly useful in creating transit friendly corridors. Management and maintenance of corridors should also be considered.

The City of Fargo adopted its Comprehensive Plan, Go 2030, in 2012. The Plan addressed and articulated a vision for many of the functions of the City of Fargo, but particularly focused on how to manage growth in a sustainable way. Along these lines, Go 2030

established “guiding principles” relating to transportation and future development:

- Transportation – Fargo will transform its transportation system to encourage walking, biking, and transit. The City will coordinate infrastructure investments and land use policy in a supportive and synergistic way.
- Neighborhoods , Infill, and New Development – Fargo will promote attractive and welcoming neighborhoods by promoting a diverse and affordable housing stock. Fargo will support neighborhoods where residents can age in place, children can walk to school, and essential services are only a short walk away. Fargo will promote infill development, planned growth, and increasing density and vitality in its established neighborhoods.

In furtherance of these guiding principles, Go 2030 put forward new concepts, such as:

- Signature Streets – Such streets would include streetscape enhancements, landscaping, benches, pedestrian scaled lighting, and other amenities. This element of the plan identified the possible conversion of one-way pair systems. This recommendation was implemented shortly after the Plan’s adoption by turning NP Avenue and 1st Avenue N into two-way roadways.
- Active Living Streets – Active living streets would have infrastructure to support pedestrians, experienced cyclists, recreational cyclists, transit, and automobiles. A network of active living street would enable Fargo residents to walk or bike to their destinations safely and comfortably.
- Catalyst Areas – Walkable mixed-use centers that are well-designed, high density development that increases walkability, access to amenities, and provides other sustainable benefits of density. These areas would be distinguished from other areas in the city because of an increase in density and multi-use nature.

The interrelated transportation and growth management goals of the Go 2030 Comprehensive Plan have become increasingly relevant with the incipient construction of the FM Diversion, which will limit future outward growth of the City. City leaders recognize the need to efficiently manage transportation and development within this finite geography.

In recent years, the City of Fargo Planning & Development and Engineering Departments have been discussing internal policies that are directly related to requests from the development community as well as discussing how to unify many of the standards , practices, policies, and visions the city has developed within multiple plans and studies. Examples of such discussions include:

- Public vs. Private Drives – The planning department has received interest in certain development types that would rely upon private roadway networks. The City of Fargo is interested in looking at the impact on the connected

roadway network in allowing private drives, and how development patterns would be effected. One of the goals of GO 2030 is to allow a higher degree of density to occur in certain areas and to allow developers to propose more diverse housing options such as: row houses, condos, townhomes, or the like. Often developers want to utilize private drives to create complexes of these types of housing units. However, this conflicts with the placement of utilities, that would usually be located within the right-of-way of a public road. The City of Fargo would like the consultant to evaluate this conflict, engage in discussions with departments, gather best practices, and provide a recommended policy.

- Densification vs. Roadway Maintenance and Operations – As mentioned above, one of the themes of GO 2030 is to focus on a more compact pattern of development, such as with the creation of walkable, dense nodes at strategic locations throughout the community. The development pattern desired at these locations could be characterized as: increased density, multi-use, zero-setbacks, large sidewalks, etc. These characteristics are normally seen in urban centers. The conflict lies in that roadways in newer parts of the city are developed with wide rights-of-way so that these areas can be used to place utilities and used for snow storage. The implementation of transportation options such as roundabouts and J-turns has been promoted from a livability and traffic control standpoint, but also met with resistance due to snow removal, snow storage, and other maintenance activities. Also, there has been a debate on how where to place utilities, within an adjacent wider ROW, or to place them below the street. Placing them below the street may have impact on road or lane closures effecting transportation, whereas reserving ROW creates wide corridors that do not meet the livability goals of the City of Fargo. Metro COG and the City would like to broadly evaluate the advantages and disadvantages of each model in order to gain a sense of the general differences in each approach. Also, roadway density is not as high in growth areas as it is in the urban center, creating large non-pedestrian scale blocks, which minimizes roadway infrastructure as well as the special assessment taxes placed on properties. In Downtown Fargo, Public Works has to haul snow after major snow events due to the lack of snow storage capacity within the right-of-way. Utilities in the urban core are located under streets, which makes repairing and replacing this infrastructure more difficult and costly. The City of Fargo is looking for ways to best meet their desired development outcomes while also operating and maintaining public infrastructure in an efficient and cost-effective manner.
- System Connectivity – Both the City of Fargo and Metro COG are committed to creating a highly connected transportation system, with alternate routes that also have high connectivity, in order to carry out desired travel throughout the city. However, developers are looking to maximize the amount of housing units that are within developments while minimizing infrastructure and traffic by incorporating many cul-de-sacs and other streets that lack connectivity into

proposed developments. The Planning and Engineering Departments are looking for guidance of how to balance these points of view by developing both an internal policy and also by proposing a collector network philosophy that should be instituted across developments in Fargo's growth areas.

- Bicycle & Pedestrian System – Metro COG's Metropolitan Transportation Plan and Fargo's Go2030 Plan both look at ways to implement bicycle and pedestrian infrastructure that can be used as a viable means of transportation. Currently, multi-use paths are constructed alongside arterial roadways (these are called side-paths). Side-paths are not universally preferred as the best alternative. The City has implemented other types of bicycle facilities, and Metro COG, working with the City, has completed corridor studies that recommend a variety of bicycle facilities that have not yet been implemented.

The City of Fargo is interested in implementing a regional green way system (City-Wide Trail Loop – Go 2030) that is integrated directly into development patterns. Currently, a rudimentary system is being developed along Cass County drains. It is desired that the consultant should develop an internal policy and mechanism for implementing such a system as well as envisioning and visualizing what such a system would look like. Metro COG's MTP, Bicycle & Pedestrian Plan (including the 2020 update, which will be underway at the same time as this project), Bikeway Gaps Analysis, 76th Avenue Corridor Study, and 17th Ave S Corridor Study as well as Fargo's Greenway Plan and Go 2030 could be good references to this subject.

- Complete Streets Policy – Fargo's Go 2030 Plan recognizes the need for multi-modal transportation options to be integrated into the roadway network. The issue at hand is what facilities should be integrated into what types of roadways and how best to do so. Both the City of Fargo and Metro COG are interested in aligning their vision of complete streets.

Metro COG has also addressed some transportation concerns in its long-range plans that have been conducted over the course of the last five to ten years. Below are some of these plans and how they might contribute to this planning effort:

- Southwest Metropolitan Transportation Plan
- Metro GROW: 2045 MTP
- Northwest Metropolitan Transportation Plan
- Fargo West Fargo Parking and Access Plan
- 76th Avenue Corridor Study
- 17th Avenue S Corridor Study

All of these studies contain individual implementations of certain types of infrastructure. The consultant should reference these plans, and others, in order to look at the types of conversations and thoughts that are currently being had on roadway and bike/ped infrastructure.

III PROJECT OBJECTIVE

The objective of this study is twofold. First, this study is to provide a highly illustrated “playbook” for everyday use by Fargo staff, policy-makers and the development community in a format that simplifies the review and decision-making process relative to the city’s multi-modal transportation infrastructure. Facilities and operations should be addressed as they pertain to:

- Development review and new infrastructure,
- Redevelopment and resulting infrastructure changes, and
- Reconstruction of existing facilities.

Secondly, the Fargo Transportation Plan shall pull together and distill existing citywide and extraterritorial transportation infrastructure policies, plans, practices, and maps into one document. The intent is for the Fargo Transportation Plan to be the go-to reference for Fargo’s existing transportation planning policy due to its ease of use and refinement of dispersed information into a unified document. The plan must:

- Incorporate the principles of GO2030
- Improve consistency in the way terms are used – i.e. solidify the nomenclature used in GO2030 and other city policies
- Provide transportation-related guidance for subdivision review (process, policies) – similar to the function of a municipal master plan, as discussed within Chapter 40-48 of the North Dakota Century Code
- Help to rectify competing or conflicting policies
- Tie to related land-use and development standards & policy

The Fargo Moorhead region has experienced very fast-paced growth, which has resulted in a significant expansion of the built environment. A lot of planning effort has gone into visioning how Fargo can grow in a livable manner, while still maintaining the ability to easily traverse the larger community. The consultant will need to envision ways to implement this policy direction and specifically identify areas and ways this can be completed.

The consultant will work through differences in departmental concerns, provide an experienced point of view on best practices, and develop concepts and recommendations that consider the concerns of multiple City of Fargo Departments. Ultimately, the draft and final document is expected to culminate in a playbook that the City of Fargo and its regional partners can use as the preeminent illustrated guide for

policy implementation and decision making.

IV SCOPE OF WORK AND PERFORMANCE TASKS

Outlined below is a rough outline of a scope of work that will guide development of the Fargo Transportation Plan. 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. The Consultant may include in the proposal any additional performance tasks or the modification of the tasks listed below that will integrate approaches, with special emphasis on the use of innovative techniques, to successfully complete the project. This scope of work should be used as a rough guide. The consultant is encouraged to modify the scope of work to differentiate its expertise and project approach.

Metro COG and the City of Fargo encourage the proposing team to be comprised of multi-disciplinary members in fields related to land use & development, transportation, urban design, transit, public works, and any other such fields that could address the individual focus areas of this planning effort. Practical experience in implementation of relevant transportation infrastructure is also a desirable characteristic of the selected team.

Task 1 – Project Management and Coordination

The Consultant will be required to manage the study and coordinate with any subconsultants, as well as bearing 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. Other requirements include:

- Hold bi-monthly progress meetings with Metro COG Project manager, which may include City of Fargo representative(s),
- Email Metro COG Project Manager with decision and action items agreed upon at bi-monthly meetings,
- Prepare and submit invoices on a monthly basis, including adequate documentation of any and all travel and expenses (i.e. receipts),
- Prepare monthly progress reports to be included in the monthly invoice which must include the following:
 - Performed work during the reporting period
 - Upcoming tasks
 - Upcoming milestones
 - Status of scope and schedule
 - Any issues to be aware of

Metro COG's Policy Board approves bills on a monthly basis at their regular monthly meeting. Complete invoices not received by Metro COG's project manager by the first Thursday of each month may not be reviewed, approved, and processed in time for Policy Board approval, particularly if there are issues or questions.

Task 2 – Research and Preparation

Through meetings with the City of Fargo and Metro COG staff, and review of applicable plans and policies, the Consultant will lead the team through the process of identifying key transportation topic areas, policies and best practices that should be addressed within the Fargo Transportation Plan. Fargo City staff will provide examples of interdepartmental decision that have been revisited numerous times, and about which the Plan is intended to provide decision-making guidance.

Several past plans and studies may inform this process. Some of these plans/studies are listed in the sections above, but do not consider this a comprehensive list. The consultant will be expected to research or have knowledge of plans/studies and municipal regulations that relate to the Transportation Plan.

Task 3 – Land Use

Metro COG and the City of Fargo recognize that many components of the City's Transportation Plan will be informed by existing and future land use. Five plans have been completed (or nearly completed) that set forth future land use plans in the City of Fargo and its growth areas. They include:

- 2007 Land Use Plan – this plan addresses fringe growth areas of the City,
- Southwest Metro Transportation Plan – this plan includes an updated future land use plan of the area south of 52nd Avenue S.
- Regional Stormwater Plan – this work considered updates and refinement to some of the land uses laid out in the SW Metro Transportation Plan based on more specific plans for the regional stormwater master plan south of 52nd Avenue S between 45th Street and Veterans Boulevard.
- Northwest Metro Transportation Plan – this plan identified future land uses for the Fargo and West Fargo study area north of existing development and, for the most part, west of I-29, and
- Core Neighborhoods Plan – this study addresses plans for the future of Fargo's most central neighborhoods.

Metro COG and the City of Fargo will graphically combine these future land use plans, incorporating known updates, to serve as the basis for city-wide transportation plan components. The combined future land use plan information will be provided to the Consultant as a shape file for use in the Plan.

Task 4 - Policy & Practice Guidance

The consultant is expected to identify and distill existing policies and practices and then work with staff to fill policy gaps and develop guidance and recommendations where needed. The Plan is expected to set decision-making guidance for topic areas such as the following:

- Street types – provide a more fine-grained classification of streets (as compared to Federal Functional Classification)
 - Design features
 - Intersection types
 - Alternatives to section line roadways where obstacles exist (e.g. 25th Street, 42nd Street, 88th Avenue S)
 - Typical sections for different roadway types based on adjacent land uses
 - On-street parking
 - Public vs. Private streets – establish city's policies and document relationship to building codes
 - Access management based on more fine-grained street classification system
 - Curb management (on-street parking, loading and delivery, rideshare space, transit facilities)
 - Right of way and utility placement within the right of way
- Connectivity
 - Drain crossings
 - Neighborhood street connectivity
 - Cul-de-sac policies
- Bicycle and Pedestrian Features
 - Regional Greenway-trail system as set forth in GO2030 (The goal of this section would be to give the City of Fargo a tool box of alternatives to choose from in creating this desired feature of the bicycle and pedestrian network, both integrated into development patterns and utilizing on-street facilities. The integrated and connected bike/ped system in the FM Area is often referred to as a Greenway.)
 - Other tie-ins with the update of the Bicycle and Pedestrian Plan
 - On-street vs. side path preferences associated with different street characteristics
- Transit infrastructure (to be informed by on-going Transit Development Plan)
 - Transit vehicle stop/transfer infrastructure

- User facilities, such as shelters, benches and climate protection features
- User facilities, such as bike racks and other multimodal features
- Balance between user benefits and on-going maintenance and public works concerns (As described in the Densification vs. Maintenance and Operations bullet above)
 - Document issues and cities preferred way of handling these issues
 - Identify the right balance and establish policy
 - Establishes guidance for where new intersection types such as J-turns and roundabouts should be implemented
 - Establishes guidance on the trade-offs between prioritization of roadway corridor size versus compact land use patterns.
 - Provides best practices for corridor management techniques.
- Economy and Industry
 - How do the needs of commercial and industrial areas vary from neighborhoods?
 - Workforce access to jobs – are there infrastructure policies and practices that can facilitate worker access to jobs?
 - Freight infrastructure – are there infrastructure policies and practices that can ensure adequate freight access to the necessary parts of the city and its growth areas without sacrificing livability en route to/from those areas.
- Design Process & Standards
 - Do existing infrastructure design processes and standards align with transportation vision and goals?
 - How do Fargo's existing processes compare to current best practices?

In order to address these areas of policy and practice, the consultant will be required to work with numerous City of Fargo Departments and Metro COG in order to gain consensus and come up with policy language that addresses concerns from different departments with the City of Fargo. This effort will require multiple meetings and working sessions to gain understanding of the decision-making process, of issues that currently exist with certain infrastructure decisions, and identification of priorities.

Task 5 – Public Engagement

Public engagement efforts will be focused on stakeholder engagement. However, it is still important to gauge the concerns of the public and the development community in regard to possible policy changes.

- Stakeholder Meetings – This should be the most significant element of public engagement for this planning effort. A stakeholder engagement strategy will be required, in which the City of Fargo and Metro COG, working with the consultant, will develop a list of stakeholders that can address the policy implications of this

plan. The consultant will work with the City of Fargo to identify a list of developers and others interested parties as well as develop a method of successfully gaining feedback from these parties.

- Public Meeting – The consultant should conduct one public engagement meeting, at an agreed upon stage of the project. The consultant may propose additional public meetings that they may deem necessary to develop the plan.
- Committee and Commission Updates and Input Meetings – Since the Public Works Project Evaluation Committee (PWPEC) and the Fargo Planning Commission have first-hand knowledge of the issues that are repeatedly discussed and debated relative to development or redevelopment projects, these bodies will be instrumental in guiding the progress on the project. Work sessions with each of these bodies is expected at important stages of the project.
- Project Approval Meetings – The Consultant will be responsible for conducting a brown-bag meeting where all city departments and interested parties are invited to learn about the draft plan. The consultant will also be required to make presentations in front of the Fargo PWPEC, Fargo Planning Commission, Fargo City Commission, Metro COG TTC, and Metro COG Policy Board in order to bring the final plan through the approval process.

Currently during the COVID-19 Pandemic, Metro COG has instituted a virtual-only public engagement policy until such time that the Pandemic has subsided. The consultant should propose and bring to the project innovate techniques in order to conduct outreach efforts in a virtual setting. This should include notification via traditional and social media sources. The consultant will be responsible for these efforts, including boosting posts to targeted audiences.

Task 6 – Unifying Past Efforts

Rather than a “task”, this section is meant to convey community context in which the Fargo Transportation Plan will be prepared. To understand and address the specific areas of transportation policy and guidance desired in the Plan, it is important that the Fargo Transportation Plan acknowledge GO2030 – the City’s Comprehensive Plan – and the concepts addressed within it. The Core Neighborhoods Plan, which is currently in progress, also identifies issues of concerns and goals relevant to transportation. The City is very interested in incorporating the recommendations of the Fargo West Fargo Parking and Access Study into its policies and practices. The City of Fargo is also currently conducting a diagnostic of their Land Development Code, through which they hope to align codified regulations with community goals and visions. The Fargo Transportation Plan will need to consider and account for potential changes to the Land Development Code that may result from this diagnostic study.

In addition, the Metropolitan Transportation Plan contains policies and goals that support both GO2030 and the Core Neighborhoods Plan. Various sub-area plans and corridor studies, as mentioned earlier, also provide insight into the city’s growth.

Given this context, on a city-wide scale, the Fargo Transportation Plan is expected to include maps and supporting text that show future land use, federal functional classification, and a more fine-grained city-wide functional classification. These maps should include Fargo's future growth area and should illustrate a multi-modal transportation network that reflects the Go2030 plan, future land uses, and the overall findings and recommendations of the Fargo Transportation Plan. Other city-wide maps that relate to other transportation infrastructure may also be of value in leading users of the plan from the broad planning/visioning perspective into the more fine-grained details of infrastructure policy.

Task 7 - Draft Plan

The Consultant shall provide a draft plan for review by the SRC and the public. The plan shall consist of text, maps and graphics needed to complete playbook identified as the Fargo Transportation Plan.

If deemed helpful, the Plan could include an illustrative pamphlet or executive summary that highlights the most relevant policies relative to new growth areas and redevelopment areas. The plan shall include an appendix. All meeting summaries and technical analysis shall be included in the appendix of the report.

Task 8 - Final Plan

Once comments on the draft plan have been received and addressed, the Consultant shall assemble the final plan. The final plan shall be in PDF format. The consultant shall deliver 10 copies of the final plan as well as a digital version upon completion of the process and approval by all applicable bodies. It is expected that this planning effort be confined to a 12-month process (from the notice to proceed through final adoption).

V IMPLEMENTATION SCHEDULE

1) Consultant Selection

Advertise for Consultant Proposals	approximately 1/8/2021
Due Date for Proposal Submittals (by 4:30pm)	1/29/2021
Review Proposals/Identify Finalists	2/1/2021-2/3/2021
Interview Finalists	between 2/4/2021-2/10/2021
Metro COG Board Approval/Consultant Notice	2/18/2021
Contract Negotiations	2/19/2021-2/26/2021
Signed Contract	Immediately after contract negotiations
Notice to Proceed	One day following a signed contract

2) Project Development (Major Milestones)

Project Kick-off	March, 2021
Plan Development	March, 2021 - November, 2021
Final Draft of Plan	December, 2021

Final Completion of Plan	January, 2022
Presentations to committees and boards	January – February, 2022
All invoices for project to be received by Metro COG	March, 2022

VI EVALUATION AND SELECTION PROCESS

Selection Committee. Metro COG and the City of Fargo will establish a selection committee to select a Consultant. The committee will likely consist of staff from Metro COG and the City of Fargo.

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

- 20% - Understanding of study objectives and local/regional issues
- 20% - Proposed approach, work plan, and management techniques
- 20% - Experience with similar projects
- 20% - Expertise of the technical and professional staff assigned to the project
- 20% - Current workload and ability to meet deadlines

The Selection Committee, at the discretion of the Client and under the guidance of NDDOT policy, will entertain formal oral presentations for the top candidates to provide additional information for the evaluation process. The oral presentations will be followed by a question and answer period during which the committee may question the prospective Consultants about their proposed approaches.

The Selection Committee's recommendation of a preferred consultant to complete the planning effort will be considered by Metro COG's Policy Board at its meeting on **February 18, 2021**. The recommendation will be based on an evaluation of the proposals submitted, the recommendation of the Selection Committee, the Metro COG Transportation Technical Committee, and will be subsequently considered for 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.

VII 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, FAX, 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 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 (as identified in VIII 1)

Exhibit B – Debarment of Suspension Certification

Exhibit C – Certification of Restriction on Lobbying

Exhibit D - Standard Form 330 (if required – see page 2)

VIII Submittal Information

Hard copies of technical and cost proposals should be shipped to ensure timely delivery to the contact as defined below:

Michael Maddox
Senior Transportation Planner
Fargo-Moorhead Metropolitan Council of Governments
Case Plaza, Suite 232
One 2nd Street North
Fargo, ND 58102-4807
maddox@fmmetrocog.org

Proposals shall be received by **4:30 pm (Central Time) on Friday, January 29, 2021** at the Metro COG office. Minority, women-owned and disadvantaged business enterprises are encouraged to participate. Respondents must submit seven (7) hard copies and one Adobe Acrobat (.pdf) copy of the proposal. The full length of each proposal should not exceed twenty (20) double sided pages for a total of forty (40) pages; including any supporting material, charts or tables.

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.

- 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 firm's 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.**
- 3) **Debarment of Suspension Certification and Certification of Restriction on Lobbying.** Respondents must attach signed copies of Exhibit B – Debarment of Suspension Certification and Exhibit C – Certification of Restriction on Lobbying within the sealed cost proposal, as well as Exhibit D - Standard Form 330.
- 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 CONTRACTUAL INFORMATION

- 1) 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.

XI 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.

XII 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.

XIII 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.

XIV 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.

XV 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.

XVI 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.

XVII INSURANCE

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

XVIII 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.
5. 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 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.	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
Total Cost					=	0.00	0.00

Exhibit B - Debarment of Suspension Certification

Background and Applicability

In conjunction with the Office of Management and Budget and other affected Federal agencies, DOT published an update to 49 CFR Part 29 on November 26, 2003. This government-wide regulation implements Executive Order 12549, Debarment and Suspension, Executive Order 12689, Debarment and Suspension, and 31 U.S.C. 6101 note (Section 2455, Public Law 103-255, 108 Stat. 3327).

The provisions of Part 29 apply to all grantee contracts and subcontracts at any level expected to equal or exceed \$25,000 as well as any contract or subcontract (at any level) for federally-required auditing services (49 CFR 29.220(b)). This represents a change from prior practice in that the dollar threshold for application of these rules has been lowered from \$100,000 to \$25,000. These are contracts and subcontracts referred to in the regulation as "covered transactions."

Grantees, contractors, and subcontractors (at any level) that enter into covered transactions are required to verify that the entity (as well as its principals and affiliates) they propose to contract or subcontract with is not excluded or disqualified. They do this by (a) Checking the Excluded Parties List System, (b) Collecting a certification from that person, or (c) Adding a clause or condition to the contract or subcontract. This represents a change from prior practice in that certification is still acceptable but is no longer required (49 CFR 29.300).

Grantees, contractors, and subcontractors who enter into covered transactions also must require the entities they contract with to comply with 49 CFR 29, subpart C and include this requirement in their own subsequent covered transactions (i.e., the requirement flows down to subcontracts at all levels).

Instructions for Certification: By signing and submitting this bid or proposal, the prospective lower tier participant is providing the signed certification set out below.

Suspension and Debarment

This contract is a covered transaction for purposes of 49 CFR Part 29. As such, the contractor is required to verify that none of the contractor, its principals, as defined in 49 CFR 29.995, or affiliates, as defined at 49 CFR 29.905, are excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The contractor is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction it enters into.

By signing and submitting its bid or proposal, the bidder or proposer certifies as follows:

The certification in this clause is a material representation of fact relied upon by the recipient. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to the recipient, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this order. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

Contractor

Signature of Authorized Official _____

Date ___ / ___ / ___

Name & Title of Contractor's Authorized Official

Exhibit C - Certification of Restriction on Lobbying

I, _____ hereby certify on
(Name and Title of Grantee Official)

behalf of _____ that:
(Name of Bidder / Company Name)

- No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- If any funds other than Federal appropriated funds have been paid or will be paid to any person influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S. Code 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The undersigned certifies or affirms the truthfulness and accuracy of the contents of the statements submitted on or with this certification and understands that the provisions of 31 U.S.C. Section 3801, et seq., are applicable thereto.

Name of Bidder / Company Name

Type or print name

Signature of authorized representative _____

Date ___ / ___ / ___

(Title of authorized official)

Exhibit D - Standard Form 330

SEE FOLLOWING PAGES