

502nd Transportation Technical Committee
Fargo-Moorhead Metropolitan Council of Governments
THURSDAY, November 14, 2019 – 10:00 a.m.
Metro COG Conference Room
AGENDA

- | | |
|---|--------------------|
| 1. Call to Order and Introductions | |
| 2. Approve the Agenda | Action Item |
| 3. Consider Minutes of the October 10, 2019 TTC Meeting | Action Item |
| 4. Public Input Opportunity | Public Input |
| 5. Metro GROW – 2045 MTP | Action Item |
| 6. 2020-2023 TIP Amendment #1 | Action Item |
| 7. MATBUS 2021-2025 Transit Development Plan RFP | Action Item |
| 8. Title VI – Audit follow-up and Survey | Informational Item |
| 9. Urban Grant Program Solicitation FY 2022 | Informational Item |
| 10. History of 17 th Street North Moorhead | Informational Item |
| 11. Agency Updates | Discussion Item |
| a. City of Fargo | |
| b. City of Moorhead | |
| c. City of West Fargo | |
| d. City of Dilworth | |
| e. City of Horace | |
| f. Cass County | |
| g. Clay County | |
| h. Other Member Entities & Jurisdictions | |
| 12. Additional Business | Information Item |
| 13. Adjourn | |

REMINDER: The next TTC meeting is scheduled for **Thursday, December 12, 2019** in the Metro COG Conference Room at 10:00 a.m.

Red Action Items require roll call votes.

NOTE: Full Agenda packets can be found on the Metro COG Web Site at <http://www.fmmetrocog.org> – Committees

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**501st Meeting of the
FM Metro COG Transportation Technical Committee
Thursday, October 10, 2019 – 10:00 am
Metro COG Conference Room**

Members Present:

Jonathan	Atkins	City of Moorhead Traffic Engineering
Jason	Benson	Cass County Highway Engineering
Julie	Bommelman	City of Fargo, MATBUS
Jeremy	Gorden	City of Fargo Transportation Engineering
Cindy	Gray	Metro COG
Robin	Huston	City of Moorhead Planning
Jaclynn	Maahs	Concordia College
Peyton	Mastera	City of Dilworth
Aaron	Nelson	Fargo City Planning
Russ	Sahr	City of Horace Planning
Jordan	Smith	MATBUS (alternate for Lori Van Beek)
Tim	Solberg	City of West Fargo Planning
Mark	Wolter	Freight Representative, Midnite Express
Barrett	Voigt	Cass County Planning

Members Absent:

Michael	Johnson	NDDOT – Local Government Division
Kim	Lipetsky	Fargo Cass Public Health
David	Overbo	Clay County Engineering
Mary	Safgren	MnDOT – District 4
Dustin	Scott	City of West Fargo Engineering
Brit	Stevens	NDSU – Transportation Manager
Lori	Van Beek	City of Moorhead, MATBUS (alternate present)

Others Present:

Adam	Altenburg	Metro COG
Dan	Bergerson	HDR
Luke	Champa	Metro COG
Dan	Farnsworth	Metro COG
Trudy	Kordosky	MnDOT – District 4
Jim	Larson	City of West Fargo
Savanna	Leach	Metro COG
Michael	Maddox	Metro COG
Jim	Mertz	Bolton & Menk
Brent	Muscha	Apex Engineering Group
Anna	Pierce	Metro COG
Steven	Strack	Houston Engineering Inc
Travis	Wieber	KLJ Engineering

1. CALL TO ORDER AND INTRODUCTIONS

The meeting was called to order at 10:00 am, on October 10, 2019 by Chair Gray. A quorum was present.

2. Approve the 501st TTC Meeting Agenda

Chair Gray asked if there were any questions or changes to the 501st TTC Meeting Agenda.

Motion: Approve the 501st TTC Meeting Agenda.

Mr. Benson moved, seconded by Ms. Huston

MOTION, PASSED 14-0

Motion carried unanimously.

3. APPROVE September 12, 2019 TTC MEETING MINUTES

Chair Gray asked if there were any questions or changes to the September 12, 2019 TTC Meeting Minutes.

Motion: Approve the September 12, 2019 TTC Minutes.

Mr. Benson moved, seconded by Mr. Sahr.

MOTION, PASSED 14-0

Motion carried unanimously.

4. Public Comment Opportunity

No public comments were made or received.

No MOTION

5. Stan Thurlow – Resolution of Appreciation

Ms. Gray drafted a Resolution of Appreciation for Stan Thurlow, former TTC member. He served the TTC the longest, and attended the most meetings of any person in Metro COG's history.

Mr. Mastera spoke of Mr. Thurlow's commitment to the committee, his job, and the community as a whole.

Motion: Recommend Policy Board approval and adoption of the Resolution of Appreciation for Stan Thurlow.

Mr. Mastera moved, seconded by Ms. Bommelman.

MOTION, PASSED

Motion carried unanimously.

6. Final Draft Metro GROW 2045

Mr. Maddox presented the final draft of the Metro GROW 2045, or the Long Range Metropolitan Transportation Plan. He stated that an abbreviated version of the presentation will be made at each local jurisdiction, and a Resolution of Adoption will be provided as documentation of each jurisdiction's support for the Plan. Mr. Solberg stated that the bypass west of the diversion is not consistent with West Fargo's Comprehensive Plan.

***Mr. Solberg left the meeting at 11:15 a.m.**

7. 2019 Metro Profile

Ms. Pierce presented the final draft of the 2019 Metropolitan Profile.

Mr. Atkins asked about the intended audience for the profile. Ms. Pierce said that the profile was revamped into make it easier to be read by the general public, but is released to the jurisdictional entities, economic development, the Chamber, and similar entities, and is available on Metro COG's website.

Ms. Gray added that any additions or comments to enhance and improve the profile will always be welcomed.

Motion: Recommend approval and adoption of the draft 2019 Metropolitan Profile to the Policy Board.

Mr. Atkins moved, seconded by Mr. Mastera.

MOTION, PASSED 13-0

Motion carried unanimously.

8. Moorhead 17th Street North Corridor Study RFP

Mr. Farnsworth presented the Moorhead 17th Street North Corridor Study Request for Proposals (RFP).

Mr. Atkins noted that Moorhead does not have local match funding available in 2020, however, there may be leftover funds from 2019 that can be put toward this project, and hopefully Metro COG can move forward as soon as possible. If the funding is not available at this time, the project may be pushed back to 2021.

Motion: Recommend Policy Board approval of the Moorhead 17th Street North Corridor Study RFP, pending availability of funding for local match.

Mr. Mastera moved, seconded by Mr. Atkins.

MOTION, PASSED 13-0

Motion carried unanimously.

9. West Fargo 9th Street Corridor Study Contract Amendment

Mr. Altenburg presented Amendment #1 to the West Fargo 9th Street Corridor Study contract with Apex Engineering. Following the initial public involvement process in June, a number of comments were received regarding bicycle and pedestrian safety south of the study area from 7th Avenue East to 13th Avenue East. In order to address these comments and concerns, Apex Engineering Group and the City of West Fargo have agreed upon a revised scope of work to analyze bicycle and pedestrian safety needs and recommendations from 7th Avenue East to 13th Avenue East. Total cost for this amendment is \$22,993, with 80% (\$18,394.40) coming from Federal Consolidated Planning Grant (CPG) funds (2020) and 20% (\$4,598.60) to be provided by the City of West Fargo.

Motion: Recommend Policy Board approval of the revised scope of work, fee, and updated schedule; and amend the contract for completion of the West Fargo 9th Street Corridor Study.

Mr. Benson moved, seconded by Mr. Sahr.

MOTION, PASSED 13-0

Motion carried unanimously.

10. Project Solicitations

Mr. Farnsworth presented several upcoming project solicitation opportunities. Several types of project solicitations have been initiated recently by NDDOT and MnDOT.

- Rail Safety Project Solicitation (ND)
- Transportation Alternatives Program (TAP) Project Solicitation
- Highway Safety Improvement Program (HSIP) Project Solicitation (ND)
- Small Town Revitalization Endeavor for Enhancing Transportation (NDSTREET) (ND)

Mr. Farnsworth briefly explained submittal deadlines for various components of each opportunity.

***Mr. Sahr left the meeting at 11:42 a.m.**

11. All Aboard Minnesota

Ms. Gray reminded the committee that the All Aboard Minnesota presentation is scheduled for Wednesday, October 30, at the Hjemkomst Community Center from 3:00 p.m. to 4:00 p.m. for business, civic, and community leaders, with a public open house from 6:30 p.m. to 7:30 p.m. The committee is encouraged to share this information with anyone who might be interested. She stated that someone from Metro COG will be attending, and that Policy Board members indicated a strong interest in this.

12. Agency Updates

Cass County: construction projects wrapped up; 76th Avenue roundabout is open.

MATBUS: iGoEco Challenge wrapping up

Freight: No updates

Moorhead: Underpass construction on schedule, hoping to work through the winter; Comp Plan RFP release later this month

Fargo: Core Neighborhoods Plan study is being initiated, diagnostic zoning analysis is underway, construction updates include 52nd Avenue which is wrapping up and Main Avenue – reconstructed portion of roadway and roundabout is open

Clay County: no updates

MnDOT: Snow Fence continuation and construction

Higher Ed: No updates

Dilworth: MnDOT will be at the October Council meeting to discuss the Hwy 10 corridor update in the coming years

Diversion: last key piece of funding - \$5M bond is now available for use.

Metro COG: LiDAR RFP should be released at the end of October, Metro COG will be stepping back into more of an oversight role, and letting the jurisdictions' GIS departments take the lead.

13. Additional Business

No additional business.

14. Adjourn

The 501st Regular Meeting of the TTC was adjourned on October 10, 2019 at 11:59 a.m.

THE NEXT FM METRO COG TRANSPORTATION TECHNICAL COMMITTEE MEETING WILL BE HELD November 14, 2019, 10:00 A.M. AT THE METRO COG CONFERENCE ROOM (1 – 2ND ST N, CASE PLAZA 232, FARGO, ND).

Respectfully Submitted,

Savanna Leach
Executive Assistant

To: TTC Committee
From: Michael Maddox, AICP
Date: November 7, 2019
Re: **Approval of Final Draft Metro GROW 2045**

The Metropolitan Transportation Plan (MTP) is one of four federally required documents that are mandated by transportation legislation to be completed by MPO's. It is the core document of the MPO in much the same fashion that a comprehensive plan is the core document to a city. It is required that the MTP be updated every five-years and have a planning horizon of 20-25 years.

Metro COG embarked on updating its LRTP in January of 2018 when the Policy Board authorized a contract with HDR to complete the planning effort. Since then, HDR and Metro COG along with assistance from the Transportation Technical Committee, transportation stakeholders, and the general public, have prepared a draft plan which is entitled Metro GROW.

Metro COG made presentations in front of each member jurisdiction's governing body over the course of the last month. Staff asked that each body then consider approving a resolution in support of Metro GROW. Each of Metro COG's seven member jurisdictions formally approved a resolution of support for the document, its findings and recommendations.

The final step in the approval process is to act upon the MTP at Metro COG's Transportation Technical Committee and Policy Board. Staff has worked with each entity to develop the MTP, and is pleased with the resulting document. FHWA is currently reviewing Metro GROW as the approval process progresses. Staff expects to hear from FTA and FHWA before November 30th.

The draft document can be found on Metro COG's website at:
http://www.fmmetrocog.org/application/files/8415/7264/4951/MetroCOG_MTP_LowRes_201901101.pdf

**Recommended Motion: Recommendation of approval of Metro Grow: 2045
Metropolitan Transportation Plan to the Policy Board.**

To: Transportation Technical Committee
From: Luke Champa
Date: 11/06/2019
Re: **2020-2023 Transportation Improvement Program (TIP) Amendment #1**

The Fargo-Moorhead Metropolitan Council of Governments (Metro COG) will hold a public meeting at the Metro COG Conference Room – 1 2nd Street North, Suite 232, in Fargo, North Dakota on Thursday, November 14, 2019 at 10:00 a.m. to consider public comments regarding a proposed amendment to the 2020-2023 Transportation Improvement Program (TIP) for the FM Metropolitan Area. The proposed amendment to the 2020-2023 TIP reflects the final North Dakota Department of Transportation (NDDOT) and Minnesota Department of Transportation (MnDOT) State Transportation Improvement Programs (STIP) that are currently pending Federal Highway Administration approval. The proposed amendment to the 2020-2023 TIP is as follows:

1. **Modification of Project 3200035:** West Fargo construction of a multi-use path along Drain 45. Year moved from 2023 to 2020, project total decreased to \$387,000 of which \$232,000 is funded by Federal Transportation Alternatives (TA) funds, and \$155,000 through local matching funds.
2. **Modification of Project 917020b:** NDDOT Main Avenue reconstruction project (2020). Project total increased to \$15,780,000 of which \$10,723,000 is funded by Federal Surface Transportation Block Grant Program (STBGP) funds, \$1,202,000 through state funds, and \$3,855,000 through local matching funds.
3. **Modification of Project 9162667:** NDDOT I-94W rehabilitation project (2020). Project total increased to \$1,683,000 of which \$1,515,000 is funded by Federal Interstate Maintenance (IM) funds, \$1,202,000 through state funds, and \$3,855,000 through local matching funds.
4. **Modification of Project 9200017:** NDDOT I-29N safety project (2020). Project funding source changed to include Federal Highway Safety Improvement Program (HSIP) funds, project limits changed, and project total increased to \$2,002,000 of which \$1,802,000 is funded by Federal HSIP funds, and \$200,000 through state funds.
5. **Addition of Project 9201001:** NDDOT I-29N structure rehabilitation project (2021). The total project cost is \$300,000 of which \$270,000 is funded by Federal Interstate Maintenance funds, and \$30,000 through state funds.
6. **Modification of Project 9182611:** NDDOT I-29 illustrative project related to the Fargo-Moorhead Metropolitan Area Diversion project. The project year changed from 2023 to 2021.

7. **Deletion of Project 9190018:** NDDOT I-29N structure rehabilitation project (2021). Project has been deleted.
8. **Deletion of Project 9190018:** NDDOT ND-18N rehabilitation project (2021). Project has been deleted.
9. **Deletion of Project 9200026:** NDDOT I-94E rehabilitation project (2021). Project has been deleted.
10. **Deletion of Project 9200027:** NDDOT I-94E rehabilitation project (2021). Project has been deleted.
11. **Deletion of Project 9200029:** NDDOT I-94W rehabilitation project (2021). Project has been deleted.
12. **Modification of Project 9190025:** NDDOT I-94E rehabilitation project (2022). Project description changed to indicate this is a pending project.
13. **Modification of Project 9190027:** NDDOT I-94W rehabilitation project (2022). Project description changed to indicate this is a pending project.
14. **Modification of Project 9162668:** NDDOT Main Avenue reconstruction project (2023). Project description changed to indicate this is a pending project.
15. **Modification of Project 9200030:** NDDOT I-94E rehabilitation project (2023). Project description changed to indicate this is a pending project.
16. **Modification of Project 8190033:** MnDOT I-94 weigh-in-motion scale project (2020). The total project cost decreased to \$355,752, all of which is through state funds.

Requested Action: Contingent upon Policy Board approval of the Metropolitan Transportation Plan (MTP), *Metro Grow*, and pending public comment, recommend approval of Amendment #1 of the Metro COG 2020-2023 Transportation Improvement Program (TIP) to the Policy Board.

Agenda Item 6, Attachment 1

Lead Agency	Metro COG ID State Number	Project Year	Project Location	Length	Project Limits		Project Description	Improvement Type	Total Project Cost	Federal Revenue Source	Other Revenue Source	Revenue
					To	From						
Amendment #1												
Moorhead Transit												
Fargo Transit												
City of Fargo												
City of Moorhead												
City of West Fargo												
City of West Fargo	3200035	2020	Drain 45		7th Ave E	13th Ave E	Construction of a Multi-Use Path along Drain 45	Bike/Ped	\$ 387,000	TA	Local	\$ 232,000 \$ 155,000
North Dakota Department of Transportation												
NDDOT	917020b 21170 8032	2020	Main Ave	0.5	2nd Street	University Drive	Reconstruct Main Ave, replacement of underground utilities *Utility replacement included in cost	Reconstruction	\$ 15,780,000	STBGP-R	State Local	\$ 10,723,000 \$ 1,202,000 \$ 3,855,000
NDDOT	9162667 22599 8013	2020	I-94W	10.9	E Casselton	Near W Fargo	Thin Overlay	Rehabilitation	\$ 1,683,000	IM	State	\$ 1,515,000 \$ 168,000
NDDOT	9200017 22291 8039	2020	I-29N	1.5	S of 17th Ave S	S of I-94	Concrete Median Barrier, PCC Pave	Safety	\$ 2,002,000	HSIP	State	\$ 1,802,000 \$ 200,000
NDDOT	9201001 22496 8113	2021	I-29 N		7.0 S of I-94		Structure Paint	Rehabilitation	\$ 300,000	IM	State	\$ 270,000 \$ 30,000
NDDOT	9182611 22656 8135	2021	I-29 S of Metro		At Red River Diversion		FM Metro Area Diversion: Structure, grade raise, PCC paving, drainage improvements, median x-overs	New Structure	Illustrative			
NDDOT	9190018 22496 8112	2021	I-29N		6.0 North of ND 46		Structure Paint *Project Deleted	Rehabilitation	\$ 289,000	IM	State	\$ 260,000 \$ 29,000
NDDOT	9190024 8101	2021	ND 18N	19.2	W Jct 46 Leonard	Casselton	Mill and Overlay *Project Deleted	Rehabilitation	\$ 3,094,000	Non-NHS-S	State	\$ 2,504,000 \$ 590,000
NDDOT	9200026 8118	2021	I-94E		6.0 W of I-29		Approach Slabs, Expansion Joint Modifiacton, Joint Sealant *Project Deleted	Rehabilitation	\$ 118,000	IM	State	\$ 106,000 \$ 12,000

[illegible]

To: TTC Committee
From: Michael Maddox, AICP
Date: November 7, 2019
Re: **MATBUS 2021-2025 Transit Development Plan RFP**

FTA requires MATBUS to have a plan that guides the agency much in the same way FHWA requires Metro COG to have the Metropolitan Transportation Plan (MTP). The Federal Transit Administration version is called the Transit Development Plan (TDP). The TDP is required to be updated every five-years but only has a planning horizon of that five-year window.

The TDP lays out all of the transit service goals, priorities, and service changes that MATBUS would like to implement between 2021 and 2025. Metro COG has traditionally led this planning effort on behalf of MATBUS. The current Metro COG Unified Planning Work Program allocates \$200,000 of Consolidated Planning Grant (CPG) funding to this project in 2020.

Metro COG staff have developed a Request for Proposal (RFP) with a draft scope of work for the planning effort. As of the writing of this memorandum, staff is working with MATBUS, the City of Fargo, and The City of Moorhead to solidify the tasks included in the RFP. A meeting with MATBUS staff and leadership from each city has been scheduled for Tuesday, November 12, 2019. The results of this meeting will be a finalized RFP and scope of work that will be provided to TTC at the meeting.

Attached to this memorandum is a draft RFP for TTC consideration. Metro COG Staff would like to release this RFP in November to ensure that a contract for services with the selected consultant can be approved at its January TTC and Policy Board meeting, and start the project no later than February of 2020.

The current draft RFP is currently under review by both MATBUS leadership and Fargo and Moorhead City Administration. If comments are received prior to the TTC meeting, a revised RFP will be provided at the meeting.

Recommended Motion: The Metro COG Transportation Technical Committee Recommends approval of the MATBUS 2021-2025 Transit Development Plan RFP to the Policy Board.

FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2020-218

MATBUS 2021-2025 TRANSIT DEVELOPMENT PLAN

November 6, 2019

APPROVED:

Cynthia R. Gray
Metro COG, Executive Director
METROCOG
FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

REQUEST FOR PROPOSALS (RFP)

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

MATBUS 2021-2025 Transit Development Plan

Selection criteria will follow a qualifications-based review process to analyze proposals from responding consultants. The most qualified candidates will be invited to present an oral interview. Upon completion of technical ranking, oral interviews and possible discussion with candidate consultants, Metro COG will enter into negotiations with the top ranked consulting firm. The consultant will submit with their response to this RFP a **sealed cost proposal**. 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 cost proposals submitted. This project will be funded in part with federal transportation funds and has a not-to-exceed budget of **\$200,000 dollars**.

Interested firms may request a hard copy of this RFP by telephoning 701.532.5100, or by email at leach@fmmetrocog.org. Copies will be posted on the North Dakota Department of Transportation QBS website (www.dot.nd.gov) and will also be available for download in PDF format at www.fmmetrocog.org.

All applicants must be prequalified with 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, December 20, 2019** at Metro COG's office will be given equal consideration. Minority, women-owned, and disadvantaged business enterprises are encouraged to participate. Respondents must submit eight (8) hard copies and one (1) 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.

Hard copies of technical and/or cost proposals should be delivered to the contact below:

Michael Maddox, AICP
Fargo-Moorhead Metropolitan Council of Governments
1 – 2nd Street North, Suite 232
Fargo, ND 58102-4807
maddox@fmmetrocog.org
701.532.5104

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

Note – This document can be made available in alternative formats for persons with disabilities by calling Savanna Leach, Executive Secretary at 701.532.5100 or email at leach@fmmetrocog.org.

TABLE OF CONTENTS

I.	Agency Overview	5
II.	Purpose of Request.....	5
III.	Background Information	5
IV.	Project Objective	6
V.	Scope of Work and Performance Tasks	7
	Task 1: Project Management and Coordination	7
	Task 2: Community Engagement	7
	2. A. Study Review Committee	8
	2.B. Presentations.....	8
	2.C. Public Involvement Meetings	8
	Task 3: Data Collection and Analysis of Existing Conditions	9
	Task 4: Consolidated Human Services Transportation Plan (CHSTP).....	9
	Task 5: Designated Stop Analysis.....	9
	Task 6: Goals, Policies, Priorities, and Performance Measures	10
	Task 7: Future System Needs.....	10
	Task 8: Final Plan & Executive Summary	10
	Task 9: Deliverables	10
VI.	Implementation Schedule	11
VII.	Evaluation and Selection Process.....	11
VIII.	Proposal Content and Format	12
IX.	Submittal Information	13
X.	General RFP Requirements	13
XI.	Additional Information.....	15
XII.	Contractual Information.....	15
XIII.	Payments.....	15
XIV.	Federal and State Funds	16
XV.	Title VI Assurances	16
XVI.	Termination Provisions	17
XVII.	Limitation on Consultant.....	17
XVIII.	Conflict of Interest	18
XIX.	Insurance.....	18
XX.	Risk Management.....	18

XXI. Exhibit A – Cost Proposal Form	20
XXII. Exhibit B – Debarment of Suspension Certification	21
XXIII. Exhibit C – Certification of Restriction on Lobbying	22
XXIV. Exhibit D – Standard Form 330.....	23

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 addressing 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

The purpose of this RFP is to receive competitive proposals from qualified consultant teams with expertise in developing Federal Transit Administration (FTA) compliant five-year Transit Development Plans (TDP). MATBUS, the designated recipient of FTA 5307 funding in the Fargo Moorhead Region is seeking consultants to update their Transit Development Plan.

This update should integrate the recommendations of studies that have occurred in the last five years, as well as evaluate the impact of new service options, such as:

- Closed-door commuter service
- High-capacity/frequency corridors
- Localized demand/response service
- Integrating arterial service options, and
- Other options that would increase and broaden transit service throughout the region.

The analysis of the transit system and subsequent recommendations could address items, such as:

- The use or implementation of new technologies not currently in use in the FM Area
- Utilizing different fleets to accomplish service demands
- New forms of transit service, or
- Other methods to address regional transportation needs from a public mass transit perspective.

III. Background Information

Transit service in the FM Region is currently operated jointly, through an agreement, by the Cities of Fargo, ND and Moorhead, MN under the Metro Area Transit (MATBUS) banner. MATBUS provides both fixed-route and paratransit service to the urban metropolitan area consisting of Fargo and West Fargo in North Dakota, as well as Moorhead and Dilworth in Minnesota. MATBUS also contracts with local universities to allow students to take transit for free by showing their school identification. Thus, students make up a high percentage of MATBUS ridership.

In 2016, MATBUS concluded its last TDP effort. The majority of the recommendations of the Plan were implemented within one-year of its adoption. These recommendations consisted of route reorganization in order to gain efficiency. However, larger recommendations such as offering limited Sunday transit service have not been implemented. MATBUS and Metro COG believe that

MATBUS has peaked in terms of efficiency through minor route alterations, as was the conclusion of the 2016-2020 TDP.

Thus, the 2021-2025 TDP should take a broader, higher elevation view of the region's transit system, analyzing how MATBUS should align transit services to meet the needs of a growing region. It should also carry forward Issues that were included in the 2016-2020 TDP, but have not yet been addressed. Such items are:

- Sunday fixed-route service
- Night fixed-route service
- The time it takes to traverse the region via transit
- Transfers (one-seat ride vs transferring), and
- The difficulty with on-time performance with a pulse system.

During the 2016-2020 TDP development, transit service to industrial areas was brought up by stakeholders and the general public as a missing need. However, the recommendations of the Plan did not include fixed-route service to the industrial park because of high cost and low potential ridership. In 2019 MATBUS was approached by United Way, who had gathered local support for an access to jobs program. United Way worked with MATBUS to start a demand/response service to the industrial park using the TAP Ride framework that MATBUS had developed for use on NDSU's campus. The industrial park service program started in September 2019. As of the writing of this RFP, **no initial results have been tallied**. The consultant selected for this project will need to evaluate such service for its effectiveness and potential implementation in the regions other industrial parks.

Metro COG and MATBUS completed a Transit Facility Analysis and Development Strategy Study in 2018. This study stemmed from a need to update the Ground Transportation Center (GTC), address the capacity and functionality of the Metro Transit Garage (MTG), consider constructing a transit hub that is detached from West Acres Mall, and evaluation of future facility needs given the expansion of the FM Area. Unlike the TDP, this Plan had a 20-year planning horizon.

Currently, MATBUS is undergoing a Transit Authority Study to address the possible impacts of the FM Region becoming a Transportation Management Area (TMA), by looking at regional organizational structures to aid in regional decision-making, and analyzing local funding sources available to fund current services and future needs of transit. The project is slated to be completed in spring 2020.

IV. Project Objective

The objective of the MATBUS 2021-2025 Transit Development Plan is to:

1. Evaluate current MATBUS policies and operations in regards to providing transit service within the Fargo-Moorhead Region
2. Identify transit needs of the community
3. Analyze new service schemes in order to provide enhanced transit service to the public
4. Demonstrate compliance with Federal, state, and local transit expectations, and
5. Provide MATBUS staff and leadership with goals/recommendations to implement over the course of the next five-years.

V. Scope of Work and Performance Tasks

Metro COG is seeking a consultant that can provide the typical qualifications necessary in order to develop a TDP, with the necessary elements to satisfy Federal regulations, and has the ability to provide pro-active approach, vision, innovation, collaboration, and sustainability in examining and proposing study recommendations.

Outlined below is the scope of work that will guide development of the MATBUS 2021-2025 Transit Development 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 that will integrate innovative approaches to successfully complete the project.

At a minimum, the consultant will be expected to establish detailed analyses, recommendations, and/or deliverables for the following tasks:

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, as well as MATBUS staff.

The consultant should expect bi-weekly progress meetings with Metro COG's project manager. Additionally, the consultant should expect to prepare monthly progress reports, documentation of any and all travel and expense receipts, and prepare and submit invoices on a monthly basis. When submitting progress reports, the consultant will be required to outline the following:

Performed work during the reporting period

- Upcoming tasks
- Upcoming milestones
- Status of scope and schedule
- Any issues to be aware of

All invoices, travel and expense receipts, and progress reports, are due to Metro COG's project manager no later than the 1st Thursday of each month. This is to ensure invoices are processed in a timely fashion.

Task 2: Community Engagement

In compliance with Metro COG's adopted Public Participation Plan (PPP), the consultant will develop and implement an extensive community engagement program that seeks to gain input from community members from all parts of the study area. This effort should particularly focus on transit dependent populations, current ridership, low income communities, the "New American" community, and businesses/organizations that serve these populations. Broad-based community engagement is considered critical to the success of this plan. The consultant should identify Study Review Committee (SRC) members, stakeholders, and other coordinating agencies that should be party to the planning process.

The consultant should propose engagement methods they think would be most successful in the planning effort to solicit direct participation from the above groups. The consultant will facilitate all community engagement activities, and should propose the number, type, and strategy for each community engagement effort. At a minimum, the community engagement program should address the following:

- Identify stakeholders
- Engagement strategies and activities, tied back to reaching all identified stakeholder groups, including those difficult to reach
- Timeline for community engagement activities and desired type of community feedback at project checkpoints or milestones
- Communication methods for sharing information with the public, stakeholders, and the above populations in the study area
- Strategy for effective and consistent messaging across platforms and messengers

It is imperative to consider the public and keep them informed of the planning activities and outcomes using strategies that include use of the internet and social media. Providing information to Metro COG and other regional jurisdictions for posting on their websites will be required. New and innovative public engagement solutions are highly encouraged. Metro COG promotes an active public engagement mantra, where engagement events are conducted out in the community where gatherings are already taken place. Feedback at these events is to be solicited through activities that are easily approachable and fun for the participant.

2. A. Study Review Committee

Development of the MATBUS 2021-2025 TDP will be guided by a Study Review Committee (SRC), which will provide oversight and input into the development of the Plan. MATBUS and Metro COG staff prefer in-person meetings on a regular basis throughout the planning process. The consultant should propose the quantity, timing, and content of these meetings, as well as incorporate enough time and travel to realistically meet these expectations. The consultant will be responsible for coordinating, scheduling, and developing agendas for the SRC meetings. This should be done in coordination with Metro COG's project manager. The consultant will be expected to distribute materials to the SRC in a timely manner, at least one-week before the scheduled meeting. The consultant is also responsible for the recording of meeting minutes, which should be submitted to Metro COG's project manager no later than one-week following the SRC meeting.

2.B. Presentations

The consultant is responsible for a minimum of four (4) presentations. Of the four presentations, and upon direction by the SRC, the consultant may be responsible for a minimum of two (2) personal appearances before the MAT Coordinating Board (mid-project & final approval). The consultant will also be responsible for personal appearances in front of Metro COG's TTC and Policy Board in the final approval stage of the project. The consultant should specifically detail all presentations proposed throughout the planning process within the project proposal.

2.C. Public Involvement Meetings

The consultant shall be required to submit its approach on how it will reach out to the community during the planning process. It is expected that each round of community engagement will have presences in West Fargo, Fargo, Moorhead, and Dilworth. The consultant's approach should address:

- How it will go about these meetings
- Methods it will employ
- Quantity of rounds of public engagement meetings
- Timing of each round in the planning process, and
- Types of engagement techniques the consultant is accustomed to utilizing to accomplish this task.

The consultant will be responsible for fully developing each round of public engagement before it is proposed to Metro COG's project manager. Scheduling and development should occur well in advance of the proposed engagement event.

Task 3: Data Collection and Analysis of Existing Conditions

The consultant shall gather and analyze existing conditions relative to transit service provided by MATBUS. This should include (but is not limited to):

- *Transit Safety Performance Measures* – The consultant shall work with MATBUS to evaluate safety performance as required by the F.A.S.T Act.
- *Transit Asset Management Inventory* – The consultant shall detail all MATBUS assets including their condition, their useful life, and their replacement schedule and associated costs. Inventory shall include:
 - Fleet
 - Facilities
 - Any other capital assets (including technology)
- *Current Routes, Timetables, & Hours of Operation* – This information should be developed in conversations with State and local engineering departments and Metro COG Staff. Metro COG will make ReMIX Routing Software available for use by the consultant for any such analyses. This should include
 - Existing routes
 - Known detours that are currently in place or may occur within the life of this plan
 - Current frequency on a route-by-route basis
 - Hours of service.
- *Fare Structure*
- *Ridership* – The consultant shall analyze ridership trends. MATBUS will supply the consultant with this information. This analysis should result in recommendations of how to attract new ridership as well as maintain existing ridership.
- *Existing Plans Integration* – The consultant should review, summarize, and incorporate the recommendations of plans that have occurred and are actively taking place.

Task 4: Consolidated Human Services Transportation Plan (CHSTP)

The consultant should integrate the CHSTP into the Transit Development Plan, and should follow FTA guidance on the elements to include within this section.

Task 5: Designated Stop Analysis

MATBUS recently migrated from flag stops to designated stop locations. The consultant will evaluate current designated to not only determine where stops should be located, but also a policy that can be applied to the placement of designated stops. This will be done by analyzing stops based on:

- Boardings/alightings
- Stop spacing
- Route performance
- Other such data

The consultant will also evaluate transit stop signage, ADA accessibility, parking within designated stop areas (as a signage and policy matter), and traffic conflicts.

Task 6: Goals, Policies, Priorities, and Performance Measures

The consultant shall lead a goal making exercise that sets the stage for how system improvements are considered and implemented over the course of the next five-years. This exercise should include developing policies that directly relate to addressing issues, meeting needs, and filling gaps. These items should directly relate to comments cultivated during Task 2: Community Engagement. This should also include a prioritization of goals and policies that will lead decision-making.

The consultant should report on existing Federal Transit Performance Measures, and work with MATBUS on ways to develop, track, and report internal performance measures. This may include the development of tools to aid MATBUS staff in these efforts.

Task 7: Future System Needs

The consultant will address the needs, issues, and gaps in system service by proposing alterations to transit service by employing methods, such as:

- Changing routes
- Implementing new services
- Integrating technology
- Or any by any other prescription

These new treatments should be derived from operant philosophies developed as part of Task 6: Goals, Policies, Priorities, & Performance Measures. Each recommendation should detail service cost, as well as impacts in regards to personnel, facilities, fleet, riders, and any effect on operations in general.

Task 8: Final Plan & Executive Summary

The consultant will deliver a draft MATBUS 2021-2025 TDP to the project team at least one (1) month before the approval process is set to begin in order for staff to provide comment on its contents. The consultant will then develop a final TDP to be brought forward for adoption by the City of Fargo, City of Moorhead, and Metro COG. This final TDP shall include all elements as listed above as well as appendices detailing technical elements that cannot fit into the formal plan, details of each public engagement efforts, and all comments received throughout the planning process.

Upon completion of the final plan, the consultant will develop an executive summary which relays all pertinent information in an easy-to-follow format. The summary should be concise and highly graphic, highlighting all major recommendations of the plan, including brief summaries relating to existing conditions, issues identification, community engagement, plan development, and implementation strategies.

Task 9: Deliverables

The consultant will prepare an administrative draft of the transportation plan for review and comment by the SRC. This draft is to be provided as an electronic PDF to study review committee members. Comments received from the SRC will be incorporated in the final draft of the plan for public review.

Upon final completion, the consultant will be responsible for providing ten (10) bound hard copies and a reproducible original of the study in PDF format. All meeting summaries and technical analyses will be included in the appendix of the study.

The consultant is expected to provide Metro COG with all data and plan products, including GIS shapefiles, Adobe InDesign files, and if required, as well as a high resolution document PDF format for printing.

Note: The above scope of work should act as a guide in preparing the proposal. The consultant should add any elements it deems necessary to complete the intent of the planning effort. Upon award, the consultant, Metro COG, and MATBUS will negotiate the final scope of work elements.

VI. Implementation Schedule

Consultant Selection

Advertise for Consultant Proposals	11/25/2019
Deadline for RFP Clarifications/Questions	12/06/2019
Due Date for Proposal Submittals (by 4:30 p.m.)	12/20/2019
Review Proposals/Identify Finalists	(week of) 12/30/2019
Interview Finalists	(week of) 01/06/2020
Preliminary Scoping Meeting/Contract Negotiations	(week of) 01/06/2020
Metro COG Policy Board Approval/Consultant Notice	01/16/2020

VII. Evaluation and Selection Process

Selection Committee

Metro COG has established a selection committee to select a consultant. The selection committee will consist of representatives from the City of Fargo, City of West Fargo, Cass County, and Metro COG.

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 or before February 1, 2020 based on an evaluation of the proposals submitted, the recommendation of the selection committee, and approval by Metro COG.

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.

VIII. 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, the City of Fargo, and the City of Moorhead, 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 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. 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 X: 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
- 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 – Debarment of Suspension Certification
Exhibit C – Certification of Restriction on Lobbying
Exhibit D – Standard Form 330 (if required – see page 2).

IX. Submittal Information

Hard copies of technical and/or cost proposals should be shipped to ensure timely delivery to the project manager as defined below:

Michael Maddox, AICP
Fargo-Moorhead Metropolitan Council of Governments
1 – 2nd Street North, Suite 232
Fargo, ND 58102-4807
maddox@fmmetrocog.org

All proposals received by **4:30 p.m. on Friday, December 20, 2019** at Metro COG's office will be given equal consideration. Minority, women-owned and disadvantaged business enterprises are encouraged to participate. Respondents must submit eight (8) hard copies and one (1) 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.

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 in writing no later than **December 6, 2019**. No response will be given to verbal questions. 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 or after **December 9, 2019**.

X. General RFP Requirements

1. Sealed Cost Proposal

All proposals must be clearly identified and marked with the appropriate project name, with 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 shall 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 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 document must 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 (if required).

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/her ability to perform or finance this work.

5. Disadvantaged Business Enterprise

Pursuant to U.S. Department of Transportation policy and 49 CFR Part 26, 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 subcontractor'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. U.S. Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodations

Consultants are advised to review and consider the *U.S. Department of Transportation 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

Consultants are advised to follow procedures contained in the *North Dakota Department of Transportation Consultant Administration Services Procedure Manual*, which includes pre-qualifications of consultants. Copies of the manual may be found on the Metro COG website at www.fmmetrocog.org or the NDDOT website at www.dot.nd.gov.

XI. Additional Information

The following materials should be reviewed by the consultant to provide background information on previous city and regional planning efforts:

- 1) Metro GROW: 2045 Metropolitan Transportation Plan
- 2) 2016-2020 MATBUS Transit Development Plan
- 3) MATBUS Transit Facility Analysis and Development Strategy

These materials can be viewed on Metro COG's website or in-person by visiting our offices located at 1 – 2nd Street N, Suite 232, Fargo, ND.

XII. 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 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, 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.

XIII. 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.

XIV. 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.

XV. 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.

XVI. 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.

XVII. 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.

XVIII. 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.

XIX. Insurance

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

XX. 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.
- 5) 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 North Dakota Century Code 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 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 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.

XXI. 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

Summary of Estimated Project Cost

	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.	Subcontractor 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

XXII. 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 _____

XXIII. 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)

XXIV. Exhibit D – Standard Form 330

To: TTC members
From: Anna Pierce
Date: November 4, 2019
Re: **Title VI – Audit follow-up and Survey**

On July 16, 2019 Metro COG was audited by NDDOT on its Title VI program. The audit resulted in nine findings and recommended corrective actions and three general comments.

Metro COG was required to provide a response to NDDOT explaining corrective actions that would be taken as a result of the audit. This response was provided in the form of a letter (Attachment 1).

Since that time, Metro COG staff have been working on an update of the Title VI Nondiscrimination and Limited English Proficiency Plan to address the recommended corrective actions.

The Title VI Plan was previously adopted in 2017 and is required to be updated every three (3) years. Metro COG needs to adopt an updated Title VI Plan in 2020. Instead of amending the current 2017 Title VI Plan, Metro COG staff, with the support of NDDOT, have decided to begin the required three (3) year update of the Title VI Plan and incorporate the recommended corrective actions into that update.

Part of the update and corrective actions require Metro COG staff to yearly collect the race and sex of each committee member. For this reason, we are requesting that each member of the following committees complete the Equal Employee Opportunity Survey (Attachment 2).

- Policy Board
- Transportation Technical Committee
- Bicycle and Pedestrian Committee
- GIS Committee
- Traffic Operations Committee
- Freight Advisory Committee

If you serve on more than one committee, you only need to complete one form, as you can identify committees of which you are a member. In the case of the Traffic Operations Working Group, if you have participated in any of these meetings, please include this as a committee of which you are a member. Since the Freight Advisory Committee has not yet been fully formed, please select participation in this Committee based on your involvement with the 2017 Regional Freight Plan carried out in 2017.

Please complete and return these forms to Anna Pierce (pierce@fmmetrocog.org) by Thursday, November 21st, 2019.

September 19, 2019

Mr. Paul Benning, P.E.
Local Government Engineer
North Dakota Department of Transportation
608 E Boulevard Avenue
Bismarck, ND 58505-0700

Subject: Response to NDDOT Findings re. Metro COG Title VI Audit – July, 2019

Dear Mr. Benning:

Thank you for your letter of August 19, 2019 summarizing the North Dakota Department of Transportation's (NDDOT's) findings on the Metro COG Title VI Audit conducted on July 16, 2019. We have reviewed your findings and the recommended actions that this agency needs to take to ensure continued compliance with Title VI requirements. Our responses are provided below.

SUBRECIPIENT AUDIT CHECKLIST

Section II, Items 1.d and 1.e

FINDING

Metro COG noted they provide the demographics map with the transportation projects overlay in their TIP document; however, per the FTA Circular, this map must also be included in the Title VI Plan. Metro COG noted they rely on public engagement to identify any disparate impacts from transportation investments, but this information is needed in their Title VI Plan.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to update their Title VI plan with the appropriate documentation as noted in the FTA Circular.

RESPONSE

Metro COG will update its Title VI plan with a demographics map that shows minority and low income areas of the metropolitan area with transportation projects overlaid on the map. Potential disparate impacts from transportation investments will be identified. We will coordinate with you further to determine the appropriate TIP years to include, but we are initially planning to include a map or maps that represent all future TIP years out to 2023.

Section III, Item 2

FINDING

Metro COG had a summary listing of their employees with a breakout by percentages of race and sex. The employee listing must be by individual position and must be tracked by Metro COG accordingly.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to update their EEO information to make sure all employees, by position, are tracked by race and sex and made available as part of the documentation for the Title VI Plan.

RESPONSE

Metro COG will update its Title VI Plan to provide the required information as described above.

Section III, Item 3

FINDING

Metro COG had a summary listing of their committees with a breakout by percentages of race and sex. The committee listings must be by position or jurisdiction represented and must be tracked by Metro COG accordingly.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to update their committee information to make sure all members, either by position or jurisdiction represented, are tracked by race and sex and made available as part of the documentation for the Title VI plan.

RESPONSE

Metro COG plans to survey committee members and alternates and will add the resulting information to our Title VI plan. We will update the information annually, or more frequently if elections result in significant turnover on our committees or boards.

Section III, Item 4.a and 4.b

FINDING

As part of Metro COG's recruiting opportunities for both vacancies and promotions they are not collecting race and sex information from applicants. After employee selection, Metro COG does collect this information for promotions but not new hires.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to update their Title VI plan to make sure race and sex information are collected during the job recruitment process.

RESPONSE

Metro COG will update its employment application to include a section about race and sex of the applicant, and will require any future applicants to complete the application. We will amend our Title VI plan to state this. We will seek input from a local Human Resources Director to ensure that we are using appropriate terms and format for this information.

Section IV, Item 4

FINDING

Metro COG does list an ADA coordinator as part of their plan documentation; however, the person listed is no longer an employee of Metro COG.

RECOMMENDED ACTION

Metro COG needs to update their documentation to note the new ADA coordinator for internal and external information.

RESPONSE

Metro COG will update documentation regarding the ADA coordinator in all applicable documents.

Section V, Item 2 and 6

FINDING

Metro COG does provide information about its Title VI program on its website and also in their Personnel Manual, but nothing is available to the public using their facilities.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to make information related to the Title VI/Nondiscrimination and ADA program available for public access in conspicuous areas at their office building. Locations near the entrance to their offices or the entrance to the building can be considered.

RESPONSE

Metro COG has coordinated with the owner of the building about placing a form holder with this information and Title VI complaint forms in either the entrance to the building or the hallway outside the Metro COG offices. A form holder will be purchased and placed in this area, and up-to-date forms, with the current Title VI and ADA coordinator will be placed in either of these locations. We will choose the location based on the best level of visibility and accessibility.

Section V, Item 5

FINDING

Metro COG does list a Title VI coordinator as part of their plan documentation; however, the person listed is no longer an employee of Metro COG.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to update their documentation to note the new Title VI coordinator for internal and external information.

RESPONSE

Metro COG updated the name of the Title VI coordinator in our annual Title VI report, and did not go back and update the Title VI coordinator in our 2017 Title VI and Limited English Proficiency (LEP) Plan document. We will amend the 2017 document and make sure updated information is posted on our website and on any other documents related to Title VI and LEP.

Section VIII, Item 1

FINDING

Metro COG has not provided the one-hour minimum training for each of their employees for the reporting period.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to complete a one-hour, either individual or as a group, training session for all employees as soon as possible.

RESPONSE

Please refer to the attachment to this letter. We have identified a series of on-line training modules that each staff member will be required to watch individually, or we will carry this activity out as a group. Upon completion, each individual will sign the Certificate of Completion, and these certificates will be made part of the annual report.

Section XI, Item 1.a and 1b

FINDING

Metro COG's Title VI Plan references their program areas but it is lacking a more detailed breakdown of information on each program area based on the bulleted items in the checklist.

RECOMMENDED CORRECTIVE ACTION

Metro COG needs to expand on their program areas within the Title VI plan on how they perform reviews of those programs. They should also add this information to their annual Title VI report.

RESPONSE

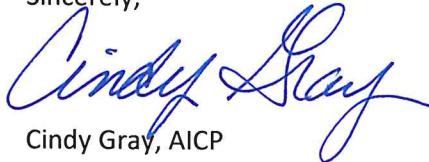
Metro COG will update its Title VI plan to provide a more detailed breakdown and description of our program areas, and how we perform reviews of those programs relative to Title VI. We will also add this to the template for our annual report. We are not quite certain of the format that these changes will take, but will review examples from other MPO's Title VI and LEP Plans and determine an approach that addresses this finding.

Other General Comments

- Information and templates on the NDDOT Title VI Program website – *Metro COG will attend to these forms on a more regular basis.*
- Metro COG's website and Title VI information – *Metro COG will update Title VI information, plans, reports, coordinator information, and complaint form information as updated as a result of this audit, and will continue to update the website information in the future, as changes are made.*
- Public access to services and requests for accommodations – *Metro COG will expand exposure of the Title VI, LEP, and ADA information and complaint opportunities by providing forms in both our reception area and in a common area of the building, either in the main entryway or in the shared hallway outside our office suite entrance (i.e. near the elevator).*

Metro COG will address all of the above comments on or before December 19, 2019, the scheduled date of our December Policy Board meeting. Amendments to the Title VI and LEP Plan, as well as any amendments to the annual Title VI report, will be brought to the Policy Board for approval on or before this date. Please contact me if you have any questions or comments regarding Metro COG's responses to the audit findings and recommended corrective actions (gray@fmmetrocog.org or 701-532-5103).

Sincerely,



Cindy Gray, AICP
Executive Director

c: Michael Johnson, P.E.

Attachment: Certificate of Completion, 2019 Title VI Training

2019 TITLE VI TRAINING AND CERTIFICATE OF COMPLETION

As a direct recipient of federal assistance, the North Dakota Department of Transportation (NDDOT) is required to comply with Title VI laws, related statutes, and regulations. It is necessary that any agency receiving federal and/or state financial assistance from NDDOT receive training on U.S. Department of Transportation (DOT) and Federal Highway Administration (FHWA) Title VI laws and regulations on an annual basis.

As a sub-recipient of NDDOT's federal funds, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is required to comply with Title VI and related nondiscrimination laws and regulations. Employees of Metro COG are required to complete one hour of Title VI training each year.

Metro COG employees shall review the following modules in order to fulfill their Title VI training requirements for 2019:

- **MODULE I** (approximately 6 minutes): https://www.youtube.com/watch?v=MU_SfdA6E5w
Created by the US Department of Justice several years ago, this video provides a brief overview of Title VI and has appropriate closed captioning.
- **MODULE II** (approximately 26 minutes): <https://www.youtube.com/watch?v=90uNM-aZwdI>
Created by the US Department of Justice several years ago, this video provides an extended overview of Title VI.
- **MODULE III** (approximately 24 minutes): <https://www.youtube.com/watch?v=RPCIqDtRUkA>
Created in 2010 by the US Office for Civil Rights, US Department of Health & Human Services, this video explains Title VI, Limited English Proficiency (LEP), and the use of interpreters.
- **MODULE IV** (approximately 6 minutes): <https://www.youtube.com/watch?v=mL-R1-WoLAc>
Created by the Federal Highway Administration, this video provides an overview of Title VI program requirements for local public agencies

Declaration of Employee: I completed annual Title VI training on _____ (date) as required by the Fargo-Moorhead Metropolitan Council of Governments and the North Dakota Department of Transportation.

Printed Name and Title: _____

Signature: _____ Date: _____