

FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2020-218

MATBUS 2021-2025 TRANSIT DEVELOPMENT PLAN

January 6, 2020

APPROVED:



Cynthia R. Gray
Metro COG, Executive Director

METROCOG
FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

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 Tuesday, January 28, 2020** at Metro COG's office will be given equal consideration. Proposals received after 4:30 p.m. on Tuesday, January 28, 2020 will not be considered. 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 1
- II. Purpose of Request 1
- III. Background Information 1
- IV. Project Objective 3
- V. Scope of Work and Performance Tasks 3
 - Task 1: Project Management and Coordination 4
 - Task 2: Community Engagement 4
 - 2. A. Study Review Committee 5
 - 2. B. Presentations 5
 - 2. C. Public Involvement Meetings 5
 - Task 3: Data Collection and Analysis of Existing Conditions 6
 - Task 4: Consolidated Human Services Transportation Plan (CHSTP) 7
 - Task 5: Designated Stop Analysis 7
 - Task 6: Goals, Priorities, and Performance Measures 7
 - Task 7: Future System Needs 8
 - Task 8: Final Plan & Executive Summary 8
 - Task 9: Deliverables 8
- VI. Implementation Schedule 9
- VII. Evaluation and Selection Process 9
- VIII. Proposal Content and Format 10
 - 1. Contact Information 10
 - 2. Introduction and Executive Summary 10
 - 3. Work Plan and Project Approach Methodology 10
 - 4. Signature 11
 - 5. Attachments 11
- IX. Submittal Information 11
- X. General RFP Requirements 11
 - 1. Sealed Cost Proposal 11
 - 2. Consultant Annual Audit Information for Indirect Cost 12
 - 3. Debarment of Suspension Certification and Certification of Restriction on Lobbying 12
 - 4. Respondent Qualifications 12
 - 5. Disadvantaged Business Enterprise 12

6. U.S. Department of Transportation Policy Statement on Bicycle and Pedestrian Accommodations.....	12
7. North Dakota Department of Transportation Consultant Administration Services Procedure Manual.....	12
XI. Additional Information	13
XII. Contractual Information	13
XIII. Payments.....	13
XIV. Federal and State Funds	13
XV. Title VI Assurances	15
1. Compliance with Regulations.....	15
2. Nondiscrimination	15
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment	15
4. Information and Reports	15
5. Sanctions for Noncompliance	15
6. Incorporation of Title VI Provisions.....	15
XVI. Termination Provisions	16
XVII. Limitation on Consultant.....	16
XVIII. Conflict of Interest	16
XIX. Insurance.....	17
XX. Risk Management	17
Exhibit A – Cost Proposal Form.....	19
Summary of Estimated Project Cost.....	19
Exhibit B – Debarment of Suspension Certification	20
Exhibit C – Certification of Restriction on Lobbying	21
Exhibit D – Standard Form 330	22

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). 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, the designated recipient of FTA 5307 funding in the Fargo Moorhead Region, and Metro COG, the Metropolitan Planning Organization (MPO) for the Fargo Moorhead Area, are seeking consultants to update the MATBUS 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

As noted above, 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 colleges and universities to allow students, through the UPASS program, to take transit for free by showing their school identification. Thus, students make up a high percentage of MATBUS ridership.

MATBUS currently operates a hub and spoke system with 26 routes servicing Dilworth, Moorhead, Fargo, and West Fargo. Within those cities MATBUS services the following five (5) colleges: North Dakota State University (NDSU) main and downtown campuses, Concordia College, Minnesota State University – Moorhead (MSUM), Minnesota State Community and Technical College (M State), and North Dakota State College of Sciences (NDSCS). Buses pulse out of the Ground Transportation Center (GTC) every half hour. In 2018, MATBUS gave a total of 1,962,118 rides (Moorhead: 521,352 – Fargo: 1,440,766). Students made up 720,916 of those total rides. Since the 2016 TDP, ridership has been slightly decreasing on a year-by-year basis.

There are many other plans, both Metro COG and local jurisdiction, that may have an impact to transit. Such plans include:

- Fargo Comprehensive Plan
- Fargo Downtown Study
- West Fargo Comprehensive Plan
- Fargo Core Neighborhoods Study – Ongoing
- Moorhead Downtown Study – Ongoing
- Minnesota Equity Study - Ongoing

Each of these plans look at transit through a different lens, which could benefit analysis that is performed as part of the TDP. The consultant should be aware of these studies and address their findings within the Transit Development Plan. Such efforts may include researching information from completed studies or engaging with staff/consulting teams leading other planning efforts.

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 yet 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
- Late 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 region's other industrial parks or other under serviced areas that could benefit from similar demand response service.

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 evaluate 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, as well as provide financial stability and flexibility to address changing needs. 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 strategies and technologies in order to provide enhanced transit service to the public,
4. Demonstrate compliance with Federal, state, and local transit expectations (which includes all Federally required components such as the CHSTP),
5. Address Federal Performance management and standards, as well as develop an internal performance based program for evaluating decision-making using a data forward approach, and
6. 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 and once monthly update meetings with Metro COG and MATBUS staff. The consultant shall prepare an agenda for such monthly meetings, which should be disseminated to staff at least three business days before the meeting. Bi-weekly progress meetings may occur by phone or video conference. Monthly update meetings may consist of video conferences.

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, newly-arrived immigrant communities, potential riders, 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.

2. D. Passenger Survey

The consultant shall be required to submit an approach to surveying existing and potential riders. The approach shall detail the potential content of the survey, how the survey would be disseminated, analytic capability of the consulting firm, and an approach on how the consultant will use the information to develop the TDP. This approach should include interactive elements, such as maps, that the consultant can bring to bear in order to increase the public's ease of response and to allow for more precise input.

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 and Metro COG 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. This effort shall be compliant to the Federal Transit Asset Management Plan requirements. MATBUS staff will provide the consultant with existing inventory documentation, and such information should be integrated into the TDP. Inventory shall include:
 - Fleet
 - Facilities
 - Any other capital assets (including technology)
- *Current Routes, Timetables, & Hours of Operation* – A listing of existing detours and detours likely to occur in the life of this plan should be included. Future roadway projects will be provided in coordination with state and local engineers and Metro COG Staff. Metro COG will make ReMIX Routing Software available for use by the consultant for any such routing analyses that would need to be performed. 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* – The consultant shall document historic and current fares, as well as conduct a fare recovery analysis.
- *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.
- *Document MATBUS Mission Statement(s), Goals, and Core Values* – MATBUS will supply the consultant with any applicable mission statements, goals, policies, and core values that have been developed. The Consultant may have to work with MATBUS to develop these items.

- *Existing and Future Financials* – MATBUS staff will provide the consultant with existing financial documentation, 10-year financial plans, and any other such information to be integrated into the TDP.
- *Performance Measures* – The consultant shall document all federally required performance based planning and programming approaches required of MATBUS through Federal legislation, as well as develop Key Performance Indicators (KPI) for items such as:
 - Marketing efforts
 - Staffing levels
 - Incidents

The consultant should propose other such focus areas for KPI's it believes will be pertinent to this effort.

- *Evaluation of Deviated Fixed-Route Transit* – The consultant shall include in its proposal an analysis of current MATBUS deviated fixed-route services as well as other microtransit options. This should include:
 - Service areas
 - Feeder systems
 - MATBUS as coordinator of regional microtransit options (electric scooters, bike-share, car-share, etc)
- *Transit Authority Study* – The TDP should incorporate elements of the Transit Authority Study that apply to the operations of MATBUS that are affected by the TDP. This may include staffing, organizational structure, financial elements, etc. The resulting recommendations of the Transit Authority Study could have significant impact on both the short-term and long-term operations of MATBUS.

Task 4: Consolidated Human Services Transportation Plan (CHSTP)

The consultant should update and integrate the CHSTP into the Transit Development Plan, and should follow FTA guidance on the elements to include within this section. This effort should include elements of the ATP4-RTCC discussions that are currently evaluating the connectivity of transit services within ATP4 and then will be evaluating system gaps.

Task 5: Designated Stop Analysis

MATBUS recently migrated from flag stops to designated stop locations. The consultant will evaluate current designated stops 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. This analysis should also include amenities such as shelters, benches, lighting, and the like that should be placed at each stop. The consultant can utilize metrics/policies that were developed as part of the MATBUS Transit Facility Analysis for this effort.

Task 6: Goals, 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 also evaluate current policies for their effectiveness and should identify policies that limit the achievement of goals that are developed in this task.

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. This task should culminate in a cohesive mission statement, vision, and goals for MATBUS as one agency.

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
- Mobility services that should reside under the MATBUS umbrella
- Implementing new service concepts
- 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 MAT Coordinating Board, 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 a full 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	01/07/2020
Deadline for RFP Clarifications/Questions	01/14/2020
Due Date for Proposal Submittals (by 4:30 p.m.)	01/28/2020
Review Proposals/Identify Finalists	(week of) 01/28/2020
Interview Finalists	(week of) 02/03/2020
Preliminary Scoping Meeting/Contract Negotiations	(week of) 02/13/2020
Metro COG Policy Board Approval/Consultant Notice	02/20/2020

VII. Evaluation and Selection Process

Selection Committee

Metro COG has established a selection committee to select a consultant. 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 before March 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 Tuesday, January 28, 2020** 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 **January 14, 2020**. 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 **January 14, 2020**.

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 XV, 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.

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

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