METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

The 659th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
THURSDAY, September 17, 2026 – 4:00 PM
AGENDA

1. Call to Order and Introductions
   a. Introductions & Roll Call
   b. Approve Order and Contents of the Overall Agenda — Action Item
   c. Approve Meeting Minutes of August 20, 2026 — Action Item
   d. Approve September 2026 Accounts Payable (bills list) — Action Item
2. Consent Agenda — **Action Item**
   a. August 2026 End-of-Month Report
   b. Adoption of Self-Certifications
   c. Acceptance of 2025 Financial Audit
3. Regular Agenda
   a. Public Comment Opportunity — Public Input
   b. 2027-2030 TIP Adoption — **Action Item**
   c. 2027-2028 UPWP & Budget Adoption — **Action Item**
   d. Metropolitan Bicycle & Pedestrian Plan RFP Release — **Action Item**
   e. 2055 Streets & Highways Modal Plan RFP Release — **Action Item**
   f. Title VI and Non-Discrimination Plan & LEP Plan — **Action Item**
4. Additional Business — Information Item
5. Adjourn

REMINDER: The next Metro COG Policy Board Meeting will be held
Thursday, October 15, 2026 at 4:00 PM.

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

Please use the following link to join this meeting online:

https://us02web.zoom.us/j/89719103440?pwd=5joY7ACfXW8cnJgll8tgT3YaQEk1Mv.1

Bolded Action Items require roll call votes.

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

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

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

658th Policy Board Meeting
Fargo-Moorhead Metropolitan Council of Governments
Thursday, August 20, 2026 – 4:00 PM

Members Present:		
Duane	Breitling	Cass County Commission
Rachel	Dwyer	Horace City Council
Nikki	Gullickson	Fargo City Commission
Chuck	Hendrickson	Moorhead City Council
Nicole	Mattson	Moorhead City Council
Sebastian	McDougall	Moorhead City Council
Jenny	Mongeau	Clay Co. Commission
Chad	Peterson	Fargo City Commission
Mike	Reitz	MATBUS Representative
Art	Rosenberg	Fargo Planning Commission
Patti	Stedman	West Fargo City Commission
Dave	Steichen	Dilworth City Council
Members Absent:		
Tyler	Erickson	West Fargo City Commission
Thomas	Schmidt	Fargo Planning Commission
John	Strand	Fargo City Commission
Maranda	Tasa	Fargo Planning Commission
Michelle	Turnberg	Fargo City Commission
Aaron	Murra	NDDOT Fargo District Engineer *(ex-officio)*
Shiloh	Wahl	MnDOT District 4 Engineer *(ex-officio)*
Others Present:		
Adam	Altenburg	Metro COG
Karissa	Beierle Pavek	Metro COG
Angela	Brumbaugh	Metro COG
Ben	Griffith	Metro COG
Will	Hutchings	NDDOT - Local Government Division
Michael	Maddox	Metro COG
Linghao	Zhang	Metro COG

1a. MEETING CALLED TO ORDER, WELCOME, AND INTRODUCTIONS, convened
The meeting was called to order at 4:00 PM, on August 20, 2026 by Vice Chair Dwyer, noting a quorum was present.

1b. Approve Order and Contents of Overall Agenda, approved
Vice Chair Dwyer asked for approval for the overall agenda.

***MOTION*: Approve the contents of the Overall Agenda of the August 20, 2026 Policy Board Meeting.**
Mr. Steichen moved, seconded by Mr. Peterson
***MOTION*, passed**
Motion carried unanimously.

1c. Approve Meeting Minutes of July 16, 2026
Chair Stedman asked for approval of the Minutes of the July 16, 2026 Meeting.

***MOTION*: Approve the July 16, 2026 Policy Board Meeting Minutes.**
Mr. McDougall moved, seconded by Ms. Gullickson
***MOTION*, passed**
Motion carried unanimously.

1d. Monthly Account Payables, <u>approved</u>
Chair Stedman asked for approval of the August 20, 2026 Accounts Payable as listed on Attachment 1d.

***MOTION*: Approve the August 20, 2026 Accounts Payable List.**
Ms. Stedman moved, seconded by Mr. McDougall
***MOTION*, passed**
Motion carried unanimously.

2. CONSENT AGENDA
Vice Chair Dwyer asked for approval of the Item on the Consent Agenda.

a. July 2026 Month End-of-Month Report

***MOTION*: Approve Items a on the Consent Agenda.**
Mr. Petersen moved, seconded by Ms. Gullickson
***MOTION*, passed**
Motion carried unanimously.

3. REGULAR AGENDA

3a. Public Comment Opportunity
No public comments were provided or received.

3b. 2026-2029 TIP Amendment/Revision #9

Mr. Altenburg presented Revision #9 regarding the 2026-2029 Transportation Improvement Program (TIP).

The proposed revision to the current 2026-2029 TIP includes the following amendments:

1. **New Project 9269078:** NDDOT preliminary engineering for 10th Street from NP Avenue to 4th Avenue N (2026). Included for potential year end NHPP funding.
2. **New Project 9269079:** NDDOT statewide overhead signage project (2026). Included for potential year end STBG funding.
3. **Modification of Project 3264069:** City of West Fargo construction of shared use path, RRFB, and box culvert extension at Sheyenne River (2027). Project description modification.
4. **New Project 5269080:** City of Moorhead lighting improvements along existing shared use path along 50th Avenue S (2027). New TA-funded project.
5. **New Project 5269081:** City of Moorhead lighting improvements along existing shared use path along 50th Avenue S (2027). New CRP-funded project.

MOTION: Approve Revision 9 to Metro COG's 2026-2029 Transportation Improvement Program (TIP).
Ms. Stedman moved, seconded by Mr. Steichen
***MOTION*, passed**
Motion carried unanimously.

3c. 2026 NDDOT-Metro COG CPG Amendment #2

Mr. Griffith presented information on Amendment #2 of the CPG contract. There is an increase of $10,495.99 in federal funds brings the total CPG amount to $1,568,208.30. He added that the member jurisdictions would be required to provide their share of the 20% local match of $2,624.00.

MOTION: Approval of the 2026 NDDOT CPG Contract Amendment #2 and authorization for the Policy Board Chair and Executive Director to execute said document when it is made available for digital signature.
Ms. Stedman moved, seconded by Ms. Mongeau
MOTION, passed

Motion carried unanimously.

4. Additional Business

- Mr. Griffith reported that the Draft 2027-2030 TIP has been posted on the Metro COG website and that a legal ad published in last Saturday's newspaper informed members of the public that the Draft TIP was available for comment and that an Open House for the TIP had been scheduled for Wednesday, September 2nd from 3:30-6:30 at the new Moorhead Public Library.
- Mr. Griffith stated that the September Policy Board meeting would be a busy one with the approval of the 2027-2030 TIP, the adoption of the 2027-2028 UPWP & Budget and approval of the 3-year update to Metro COG's Title VI/LEP Plan. He also stated that there would be a couple of RFPs for 2027 planning projects related to the 2055 Metropolitan Transportation Plan or "MTP".

There was no other business brought before the Policy Board by any of the attendees.

5. Adjourn

The 658th Meeting of the FM Metro COG Policy Board held Thursday, August 20, 2026 was adjourned by Vice Chair Dwyer at 4:22 PM.

Mr. Peterson moved, seconded by Mr. Rosenberg.

THE NEXT FM METRO COG POLICY BOARD MEETING WILL BE HELD THURSDAY, September 20, 2026 at 4:00 PM.

Respectfully Submitted,

Angela Brumbaugh
Office Manager

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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To: Policy Board members
From: Ben Griffith, AICP, Executive Director
Date: September 11, 2026
Re: **Adoption of Metro COG's Self-Certifications**

Each year, Metro COG executes new self-certifications for use in adoption of the annual Transportation Improvement Program (TIP) and Unified Planning Work Program (UPWP). This year is different; not only have there been many Executive Orders and other Administrative Directives requiring changes to our self-certifications over the past two years, but in 2027, Metro COG will undergo its first TMA (Transportation Management Area) Certification Review by FHWA.

Metro COG's 2027-2030 TIP and 2027-2028 UPWP & Budget are both scheduled for adoption at the same time, and NDDOT staff has previously recommended adopting the self-certifications collectively for inclusion in both documents.

Metro COG researched the Executive Orders and Administrative Directives, as well as any available guidance on how to revise and update the self-certifications in order to keep in compliance with what is currently in effect. When updated, Metro COG staff forwarded the self-certifications to NDDOT staff for review. Those self-certifications are included with this memo. Metro COG will seek guidance from FHWA on the new processes going forward, following the TMA Certification Review.

Requested Action: Approval of Metro COG's self-certifications and authorize the Policy Board Chair and Executive Director to execute said self-certifications.

OFFICIAL ADOPTION CERTIFICATION OF METRO COG'S 2027-2028 UPWP

The signature below constitutes the official adoption of the 2027-2028 Unified Planning Work Program (UPWP) by the Fargo-Moorhead Metropolitan Council of Governments (Metro COG), serving as the region's Metropolitan Planning Organization (MPO). The UPWP was adopted by Metro COG's Policy Board at their regularly scheduled monthly meeting on Thursday, September 17, 2026.

_______________________________________ ____________________

Patti Stedman, Policy Board Chair Date
Fargo-Moorhead Metropolitan Council of Governments

Please Note: Approved Meeting Minutes and Adopting Resolution from the September 17, 2026 Policy Board meeting are included in this document as **Appendix K**.

A RESOLUTION APPROVING THE FY 2027-2030 TRANSPORTATION IMPROVEMENT PROGRAM FOR THE FARGO-MOORHEAD METROPOLITAN AREA

WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) is the designated Metropolitan Planning Organization (MPO) for the Fargo-Moorhead metropolitan area; and

WHEREAS, federal metropolitan transportation planning requirements provide that the MPO, in cooperation with the States and public transportation operators, shall develop and maintain a Transportation Improvement Program (TIP) for the metropolitan planning area; and

WHEREAS, Metro COG has developed the financially constrained FY 2027–2030 Transportation Improvement Program in accordance with applicable federal requirements; and

WHEREAS, the Fargo-Moorhead metropolitan area is in attainment for all applicable National Ambient Air Quality Standards and is therefore not subject to transportation conformity requirements under 40 CFR part 93, subpart A; and

WHEREAS, the FY 2027–2030 Transportation Improvement Program has been reviewed and recommended for approval by the Metro COG Transportation Technical Committee and has been made available for public review and comment in accordance with Metro COG's adopted public participation procedures; and

WHEREAS, the Metro COG Policy Board has given due consideration to the FY 2027–2030 Transportation Improvement Program and comments received during the public participation process.

NOW, THEREFORE, BE IT RESOLVED THAT, the Metro COG Policy Board hereby approves the FY 2027–2030 Transportation Improvement Program and recommends that the program be forwarded to the appropriate state and federal agencies for incorporation into the respective Statewide Transportation Improvement Programs and subsequent federal action; and

BE IT FURTHER RESOLVED THAT, in accordance with 23 CFR § 450.336, Metro COG certifies that the metropolitan transportation planning process is being carried out in accordance with applicable federal requirements.

Patti Stedman, Chair
Metro COG Policy Board

Ben Griffith, Executive Director
Metro COG

Date

Date

A RESOLUTION CONFIRMING THE METROPOLITAN TRANSPORTATION PLAN REMAINS VALID

WHEREAS, federal metropolitan transportation planning requirements provide that the Metropolitan Planning Organization (MPO) designated for an urbanized area shall develop and maintain a metropolitan transportation plan for the metropolitan planning area; and

WHEREAS, pursuant to 23 CFR § 450.324, the MPO is required to periodically review and update its metropolitan transportation plan to confirm the plan's validity and consistency with current and forecasted transportation and land use conditions and trends; and

WHEREAS, the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) has been designated by the Governors of Minnesota and North Dakota as the MPO for the Fargo-Moorhead metropolitan area; and

WHEREAS, Metro COG adopted *Metro 2050: 2050 Fargo-Moorhead Metropolitan Transportation Plan* in April 2025, along with supporting modal and system plans, including the Metropolitan Bikeway & Pedestrian Plan (February 2022), the 2026-2030 Transit Development Plan (December 2025), and the Metropolitan Comprehensive ITS Plan (June 2023); and

WHEREAS, *Metro 2050* includes transportation system management strategies and short- and long-range project prioritization elements addressing the transportation needs of the metropolitan planning area; and

WHEREAS, Metro COG has reviewed *Metro 2050* and determined that the plan remains valid and consistent with current transportation and land use conditions and considerations; and

WHEREAS, the Metro COG Transportation Technical Committee recommends that *Metro 2050* continue to be recognized as valid and consistent with current transportation and land use considerations.

NOW, THEREFORE, BE IT RESOLVED THAT, the Metro COG Policy Board hereby confirms that *Metro 2050: 2050 Fargo-Moorhead Metropolitan Transportation Plan* remains valid and consistent with current transportation and land use considerations

Patti Stedman, Chair Metro COG Policy Board	Ben Griffith, Executive Director Metro COG
Date	Date

TRANSPORTATION PLANNING PROCESS SELF-CERTIFICATION STATEMENT

The Fargo-Moorhead Metropolitan Planning Organization (Metro COG) hereby certifies that it is carrying out a continuing, cooperative, and comprehensive transportation planning process for the region in accordance with all applicable requirements as outlined in 23 CFR 450.336 including:

1) 23 USC 134 and 49 USC 5303, and 23 CFR Part 450;
2) In non-attainment and maintenance areas, sections 174 and 176 (c) and (d) of the Clean Air Act, as amended [42 USC 7504, 7506 (c) and (d)] and 40 CFR part 93;
3) Title VI of the Civil Rights Act of 1964, as amended (42 USC 2000d-1) and 49 CFR part 21;
4) 49 USC 5332, prohibiting discrimination on the basis of race, color, creed, national origin, sex, or age in employment or business opportunity;
5) Section 1101(b) of the Infrastructure Investment and Jobs Act (IIJA) (PL 117-58) and 49 CFR part 26 regarding the involvement of Disadvantaged Business Enterprises in USDOT funded planning projects;
6) 23 CFR part 230, regarding the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts;
7) The provisions of the Americans with Disabilities Act of 1990 (42 USC 12101 et seq.) and 49 CFR parts 27, 37, and 38;
8) The Older Americans Act, as amended (42 USC 6101), prohibiting discrimination on the basis of age in programs or activities receiving Federal financial assistance;
9) Section 324 of Title 23 USC regarding the prohibition of discrimination based on gender; and
10) Section 504 of the Rehabilitation Act of 1973 (29 USC 794) and CFR part 27 regarding discrimination against individuals with disabilities.

The aforementioned applicable requirements are reflective of 23 CFR 450.336 as of September 17, 2026. Metro COG is compliant to the extent all applicable requirements, or portions thereof, are in effect.

Full documentation of Metro COG.s federal certification can be obtained by contacting Metro COG at (701) 532-5100, metrocog@fmmetrocog.org or by visiting in person at 1 – 2nd Street North, Case Plaza, Suite 232, Fargo, North Dakota 58102.

Fargo-Moorhead Metropolitan Council of Governments	**North Dakota Department of Transportation**
______________________________	______________________________
Signature Date	Signature Date
Policy Board Chair	Local Government Engineer
Title	Title

CERTIFICATION OF RESTRICTIONS ON LOBBYING

I, Patti Stedman, the 2026 Fargo-Moorhead Metropolitan Council of Governments (Metro COG) Policy Board Chair, certify on behalf of Metro COG, to the best of my knowledge:

1. 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, an 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 any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in conjunction with this 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.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subcontractors, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

The certification is a material representation of fact upon which reliance is 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 Section 1352, Title 31, U.S. Code.

Entered into this 17th day of September, 2026.

By:____________________________________ Date: ____________

Patti Stedman, Policy Board Chair
Fargo-Moorhead Metropolitan Council of Governments

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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To: Policy Board members
From: Ben Griffith, AICP, Executive Director
Date: September 11, 2026
Re: **Acceptance of 2025 Financial Audit**

In late April of this year, Metro COG began its annual financial audit for 2025 by the Brady Martz accounting firm. While there were NO accounting deficiencies or findings noted with our finances, there were some year-end adjusting entries required by our accountant. The adjusting entries were made and found to be in compliance. The final report is included with this memo for your reference.

A couple of items to note from the audit report:

- The liabilities and deferred inflows of resources of Metro COG exceeded its assets at the close of the most recent fiscal year by $124,538 (net position).
- Metro COG's cash balance at December 31, 2025 was $112,281 which decreased by $50,288 from December 31, 2024.
- Metro COG's total net position decreased by $67,098.
- Metro COG had revenues of $2,121,134 and expenses of $2,188,232 for the year ended December 31, 2025.

Upon acceptance of the 2025 financial audit, Metro COG is required to provide copies to FHWA, NDDOT and MnDOT prior to September 30. A copy is also required to be uploaded to the Federal Audit Clearinghouse website. Copies of the audit have also been requested by both Cass and Clay Counties.

Requested Action: Accept the 2025 financial audit prepared by Brady Martz & Associates.

FARGO – MOORHEAD METROPOLITAN
COUNCIL OF GOVERNMENTS
FARGO, NORTH DAKOTA

AUDITED FINANCIAL STATEMENTS

FOR THE YEAR ENDED DECEMBER 31, 2025

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INDEPENDENT AUDITOR'S REPORT

To the Governing Board
Fargo-Moorhead Metropolitan Council of Governments
Fargo, North Dakota

Report on the Audit of the Financial Statements

Opinions

We have audited the accompanying financial statements of the governmental activities and general fund information of the Fargo-Moorhead Metropolitan Council of Governments as of and for the year ended December 31, 2025, and the related notes to the financial statements, which collectively comprise the Fargo-Moorhead Metropolitan Council of Governments' basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, and general fund information of the Fargo-Moorhead Metropolitan Council of Governments, as of December 31, 2025, and the respective changes in financial position thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinions

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Fargo-Moorhead Metropolitan Council of Governments and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Fargo-Moorhead Metropolitan Council of Governments' ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinions. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with generally accepted auditing standards and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.

- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Fargo-Moorhead Metropolitan Council of Governments internal control. Accordingly, no such opinion is expressed.

- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.

- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Fargo-Moorhead Metropolitan Council of Governments ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 5-12 and 25-26 be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Supplementary Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise Fargo-Moorhead Metropolitan Council of Governments' basic financial statements. The schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated September 3, 2026 on our consideration of Fargo-Moorhead Metropolitan Council of Governments' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Council's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Fargo-Moorhead Metropolitan Council of Governments' internal control over financial reporting and compliance.

Brady Martz

BRADY MARTZ, PLLC
GRAND FORKS, NORTH DAKOTA

September 3, 2026

As Management of the Fargo-Moorhead Metropolitan Council of Governments (Metro COG), we offer readers of Metro COG's financial statements this narrative overview and analysis of the financial activities of Metro COG for the fiscal year ended December 31, 2025. We encourage readers to consider the information presented here in conjunction with Metro COG's financial statements, which begin on page 13.

Financial Highlights

- The liabilities and deferred inflows of resources of Metro COG exceeded its assets at the close of the most recent fiscal year by $124,538 (net position).
- Metro COG's cash balance at December 31, 2025 was $112,281 which decreased by $50,288 from December 31, 2024.
- Metro COG's total net position decreased by $67,098.
- Metro COG had revenues of $2,121,134 and expenses of $2,188,232 for the year ended December 31, 2025. Revenues included grant funds of $1,646,009, local matching funds of $177,273, local dues of $297,220 and other income of $632. For the year ended December 31, 2024, Metro COG's revenues were $3,460,755 and expenses were $3,422,031. Revenues for the year ended December 31, 2024 included grant funds of $2,637,013, local matching funds of $526,434, local dues of $296,570, and other income of $738.

Overview of the Financial Statements

The discussion and analysis is intended to serve as an introduction to Metro COG's basic financial statements. Metro COG's basic financial statements comprise three parts: 1) Governmental Funds Balance Sheet/Statement of Net Position, 2) Statement of Governmental Fund Revenues, Expenditures, and Changes in Fund Balances/Statement of Activities, and 3) Notes to the Financial Statements.

BASIC FINANCIAL STATEMENTS

The basic financial statements are designed to provide readers with a broad overview of Metro COG's finances, in a manner similar to a private-sector business.

The *statement of net position* presents information on all of Metro COG's assets, deferred outflows of resources, liabilities, and deferred inflows of resources, with the difference between these reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of Metro COG is improving or deteriorating.

	2025	2024
ASSETS		
Current assets	$ 428,216	$ 998,632
Capital assets (net)	317,372	376,669
TOTAL ASSETS	745,588	1,375,301
LIABILITIES		
Current liabilities	405,501	984,737
Long-term liabilities	49,307	92,544
TOTAL LIABILITIES	454,808	1,077,281
DEFERRED INFLOW OF RESOURCES		
Local match - Federal Planning Contracts	415,318	355,460
TOTAL DEFERRED INFLOW OF RESOURCES	415,318	355,460
NET POSITION		
Net investment in capital assets	224,829	244,548
Unrestricted	(349,367)	(301,988)
TOTAL NET POSITION	$ (124,538)	$ (57,440)

The *statement of activities* presents information showing how Metro COG's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future periods (e.g., depreciation and earned but unused vacation leave).

	2025	2024
REVENUE		
Operating grants and contributions	$ 2,120,502	$ 3,460,017
Other income	632	738
	2,121,134	3,460,755
EXPENSES		
Salaries	782,163	784,534
Fringe benefits	174,498	172,125
Travel	22,145	11,052
Professional fees	21,262	19,450
Rent and utilities	50,701	43,833
Accounting service	18,900	18,179
Advertising	1,730	2,278
Telephone	4,052	3,957
Office expense	7,420	7,251
Dues and subscriptions	7,836	14,083
Project costs (contracted planning)	792,529	2,088,263
Information systems	187,845	161,085
Insurance	6,529	8,369
Special activities	14,044	1,401
Compensated absences	1,391	351
Interest expense	7,369	9,972
Depreciation and amortization	87,818	75,848
	2,188,232	3,422,031
Change in net position	(67,098)	38,724
Net position, beginning of year	(57,440)	(96,164)
Net position, end of year	$ (124,538)	$ (57,440)

The basic financial statements report on the primary function of Metro COG as being supported by intergovernmental revenues from local, state, and federal sources. Metro COG is responsible for harmonizing transportation planning and programming decisions involving local, state, and federal agencies to ensure the efficient management and operations of the surface transportation system within the FM Metropolitan area. Metro COG's primary revenue source is from the U.S. Department of Transportation.

The basic financial statements can be found on pages 13 and 14 of this report.

FUND FINANCIAL STATEMENTS

A *fund* is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. Metro COG, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. Metro COG has only one fund type, namely a general fund that is used to account for its operations.

NOTES TO THE FINANCIAL STATEMENTS

The notes provide additional information that is essential to a full understanding of the data provided in the fund financial statements. The notes to the financial statements can be found on pages 15 through 25 of this report.

Financial Analysis

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of Metro COG, liabilities and deferred inflows of resources exceeded assets by $124,538 at the close of the most recent fiscal year.

During the current fiscal year, net position of Metro COG decreased by $67,098. Metro COG's revenues are largely intergovernmental revenues received from cost reimbursement grants. Metro COG draws down money from the grants' awards for allowable program expenses, except for non-cash transactions, such as changes in compensated absences.

Financial Analysis of Metro COG's Funds

As noted earlier, Metro COG uses fund accounting to ensure and demonstrate compliance with finance related legal requirements. Metro COG's general fund is discussed below:

GENERAL FUND

As of the end of the current fiscal year, Metro COG's general fund reported an ending fund balance of $(271,471). Metro COG's major sources of revenues are cost reimbursement state and federal grants, as well as local dues and local matches collected from local units of government. The fund balance primarily represents the accumulation of local monies and interest income in excess of expenditures not reimbursed by funding sources.

General Fund Budgeting Highlights

Actual revenues were $132,506 higher than expected and actual expenditures were $88,092 under budget in the general fund.

Capital Asset and Debt Administration

CAPITAL ASSETS

Metro COG's capitalization threshold is $1,000. As of December 31, 2025, Metro COG had capital assets, net of accumulated depreciation and amortization, of $317,372. See Note 4 of this report for more information on capital assets.

DEBT

The Metro COG has outstanding long-term debt relating to lease liabilities as of December 31, 2025. Detailed information on the Metro COG's long-term debt can be found in Note 6 of this report.

Economic Factors and Next Year's Budgets and Rates

Metro COG's initial 2025 budget was $2,037,640 with $1,720,130 in Federal funds and $317,510 in local match. This budget supported operations and contracted planning services. On May 15, 2025, the Policy Board approved an Administrative Modification to the 2025 UPWP (Unified Planning Work Program) & Budget with no net increase or decrease to funds. Adjustments were made to re-allocate staff hours amongst the ten program task areas. Funding for various contracted planning projects were re-allocated amongst those projects with no net increase or decrease to the total amount of funding. NDDOT and MnDOT provide estimates to use in developing UPWPs & Budgets and when actual amounts are determined, this often requires a formal Amendment to reflect the increases or decreases in funding. On January 15, 2026, an Amendment to the 2025 UPWP & Budget was approved by the Policy Board to reflect a reduction of $38,349.79 in CPG (Consolidated Planning Grant) funding in preparation for the 2025 Year-end Close-out. Amendment #1 to the 2025 UPWP& Budget was approved by NDDOT and FHWA-ND on January 27, 2026.

A total of 8 programmed contracted planning projects were completed in 2025, including 1 comprehensive plan. Another contracted planning project will be completed in 2026. Metro COG's contracted planning work with NDSU Upper Great Plains Transportation Institute's Advanced Traffic Analysis Center (ATAC) completed Year 1 of a 3-year contract. Programmed contracted planning projects for 2026 have been included in the 2026-2027 UPWP & Budget.

When Metro COG was officially designated as a TMA (Transportation Management Area) in 2023, there was no increase in funding for planning or implementation (construction) projects. However, Metro COG does receive a dedicated allocation of Federal transportation funds and the Policy Board has direct control over selecting implementation projects and determining the amount of funding for each selected project. These include funds for streets, highways, transit, and planning activities, called Surface Transportation Block Grant (STBG) funds; a direct allocation of funding will also occur for alternative transportation modes, called the Transportation Alternative Program (TAP); and for a new program included in the IIJA called the

Carbon Reduction Program (CRP). Metro COG staff developed a project solicitation process to identify potential projects and prioritize funding for those projects. Projects are submitted by the local jurisdictions at the end of November or beginning of December, with review and prioritization by the Policy Board scheduled for January or February of the following year.

Local funds were also received as revenue to cover staff efforts that are deemed ineligible for Federal transportation funding. Examples of this include work program elements not related to transportation in comprehensive plans for local jurisdictions, ongoing technical assistance provided to the Cass Clay Food Commission and various other items such as food and beverages for public meetings, certain office supplies and equipment.

There were three staff changes in 2025. Transportation Planning Intern McKenzie Mueller’s last day was Friday, May 23; Assistant Transportation Planner Paul Bervik’s last day was Thursday, September 4; and Transportation Planning Intern Nicole Lipinoga’s first day at Metro COG was Wednesday, November 3. The Assistant Transportation Planner position was posted, but had not been filled by year-end.

Each year, the NDDOT Audit Services Division reviews Metro COG’s finances from the previous year to determine its Indirect Cost Rate for overhead expenses for the following year. At the close of 2025, a new rate had not yet been determined, meaning that Metro COG will continue to use the current Indirect Cost Rate until such time that the new one has been set. Previous annual audits have indicated that a low Indirect Cost Rate have been a contributing factor to Metro COG’s decreasing annual net position.

With reductions in overall funding, interruptions of cash flow for the organization, increasing amounts of time from submittal of monthly reimbursement requests until payment, and shutdowns of the Federal government becoming more common, not to mention the possible payout of accumulated vacation and sick time if long-term staff were to leave the organization, are all financial concerns. Metro COG staff began researching the possibility of establishing a Cash Reserve Fund and will continue working on a development proposal for this fund into the next fiscal year for the Policy Board to take under consideration.

Future Events that will Financially Impact Metro COG

The Infrastructure Investment and Jobs Act (IIJA), also referred to as the Bipartisan Infrastructure Legislation (BIL) was passed by Congress in 2021, and is due to expire on September 30, 2026. In late 2026, Metro COG and every other MPO will be preparing for the passage of a new Transportation Bill or the continuation of the IIJA, possibly in a revised version affecting funding and expenditures. Whenever a new Transportation Bill is passed by Congress and signed into law by the President, a new funding formula, determining how Consolidated Planning Grant (CPG) funds are to be distributed amongst North Dakota’s four MPOs will require approval by the MPOs. If the four MPOs cannot agree on a funding formula on how transportation funds are to be divided amongst them, the NDDOT Director will determine the funding formula for them.

Formal establishment of a Cash Reserve Fund is expected to help Metro COG maintain steady cash flow during uncertain times. Concerns of Federal government shutdowns and uncertain funding scenarios are expected to increase before they stabilize, necessitating the need for a Cash Reserve Fund in order to maintain continuity of organizational operations.

It is unknown how much funding will be directed towards MPOs in a new Transportation Bill. Actions taken by the current administration have generally resulted in decreased funding amounts, but with increased documentation and reporting requirements. If this downward trend of transportation funding continues for Metro COG, it could likely result in a reduction of staff and a reduction of the work program. Metro COG will need to ensure that it has adequate funds to fulfill Federally-required MPO transportation planning responsibilities, such as the update of the five-year Metropolitan Transportation Plan (MTP), the four-year Transportation Improvement Program (TIP), the Public Participation Plan (PPP), the Title VI Plan, the Limited English Proficiency Plan and the annual Unified Planning Work Program (UPWP). Concerns regarding maintaining of Federal funding, even at current levels will continue, as there has been no indication of increasing Federal funding.

Contacting Metro COG's Financial Management

The financial report is designed to provide a general overview of Metro COG's finances for all those with an interest. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to Ben Griffith, Executive Director, Fargo-Moorhead Metropolitan Council of Governments, Case Plaza Suite 232, One 2nd Street North, Fargo, North Dakota, or call (701) 532-5100.

FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
GOVERNMENTAL FUNDS BALANCE SHEET / STATEMENT OF NET POSITION
DECEMBER 31, 2025

	General Fund	Adjustments	Statement of Net Position
ASSETS			
Cash	$ 112,281	$ -	$ 112,281
Receivables:			
Due from NDDOT	181,861	-	181,861
Due from MNDOT	7,645	-	7,645
Prepaid expense	126,429	-	126,429
Capital assets (net)	-	317,372	317,372
Total Assets	428,216	317,372	745,588
LIABILITIES AND DEFERRED INFLOW OF RESOURCES			
Liabilities			
Current liabilities:			
Accounts payable	283,239	-	283,239
Accrued expenses	1,130	6,022	7,152
Lease liabilities - current	-	43,236	43,236
Compensated absences:			
Expected to be paid within one year	-	71,874	71,874
Total current liabilities	284,369	121,132	405,501
Long-term liabilities			
Lease liabilities - net of current	-	49,307	49,307
Total long-term liabilities	-	49,307	49,307
Total liabilities	284,369	170,439	454,808
Deferred Inflow of Resources:			
Local match - Federal Planning Contracts	415,318	-	415,318
Total liabilities and deferred inflow of resources	699,687	170,439	870,126
FUND BALANCE / NET POSITION			
Fund balance:			
General fund - nonspendable	126,429	(126,429)	-
General fund - unassigned	(397,900)	397,900	-
Total fund balance	(271,471)		
Net position:			
Net investment in capital assets			224,829
Unrestricted		(124,538)	(349,367)
Total		$ (124,538)	$ (124,538)

See Notes to the Financial Statements

FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
STATEMENT OF GOVERNMENTAL FUND REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES / STATEMENT OF ACTIVITIES
FOR THE YEAR ENDED DECEMBER 31, 2025

	General Fund	Adjustments	Statement of Activities
Revenues:			
Federal - passed through State of ND	$ 1,615,429	$ -	$ 1,615,429
State - Minnesota	30,580	-	30,580
Local dues	297,220	-	297,220
Local match (contracted planning)	177,273	-	177,273
Other income	632	-	632
Total revenues	2,121,134	-	2,121,134
Expenditures/Expenses:			
Public Works			
Current:			
Salaries	782,163	-	782,163
Fringe benefits	174,498	-	174,498
Travel	22,145	-	22,145
Professional fees	21,262	-	21,262
Rent and utilities	50,701	-	50,701
Accounting service	18,900	-	18,900
Advertising	1,730	-	1,730
Telephone	4,052	-	4,052
Office expense	7,420	-	7,420
Dues and subscriptions	7,836	-	7,836
Project costs (contracted planning)	792,529	-	792,529
Information systems	187,845	-	187,845
Insurance	6,529	-	6,529
Special activities	14,044	-	14,044
Compensated absences	721	670	1,391
Debt Service			
Principal payments on lease liabilities	39,578	(39,578)	-
Interest expense	7,544	(175)	7,369
Capital Projects			
Depreciation and amortization	-	87,818	87,818
Capital outlay	28,521	(28,521)	-
Total expenditures/expenses	2,168,018	20,214	2,188,232
Excess of revenues over expenses	(46,884)	46,884	-
Change in net position	-	(67,098)	(67,098)
Fund balance / net position (deficit)			
Beginning of the year	(224,587)	-	(57,440)
End of the year	$ (271,471)	$ -	$ (124,538)

See Notes to the Financial Statements

NOTE 1 SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Fargo-Moorhead Metropolitan Council of Governments (Metro COG) have been prepared in conformity with accounting principles generally accepted in the United States of America (GAAP) as applicable to governments. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles. The more significant of Metro COG's accounting policies are described below.

Reporting Entity

The accompanying financial statements present the activities of Metro COG. Metro COG has considered all potential component units for which Metro COG is financially accountable and other organizations for which the nature and significance of their relationships with Metro COG such that exclusion would cause Metro COG's financial statements to be misleading or incomplete. The Governmental Accounting Standards Board has set forth criteria to be considered in determining financial accountability. These criteria include appointing a voting majority of an organization's governing body and (1) the ability of Metro COG to impose its will on that organization or (2) the potential for the organization to provide specific financial benefits to, or impose specific financial burdens on Metro COG.

Based on these criteria, there are no component units.

Basis of Presentation

Metro COG's basic financial statements consist of government-wide statements, including a statement of net position and a statement of activities, and fund financial statements which provide a more detailed level of financial information.

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the non-fiduciary activities of Metro COG.

Basis of Accounting

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Grants and similar items are recognized as revenue as soon as all eligible requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due.

Under the terms of grant agreements, Metro COG funds certain programs by a combination of specific cost-reimbursement grants and general revenues. Thus, when program expenses are incurred, there are both restricted and unrestricted net position available to finance the program. It is Metro COG's policy to first apply cost-reimbursement grant resources to such programs, and then by general revenues.

The government reports the following major governmental funds:

The General Fund is the government's primary operating fund. It accounts for all financial resources of the general government, except those required to be accounted for in another fund.

Budgets

Based upon available financial information and request by the board, the executive director prepares Metro COG's budget. The budget is prepared for the general fund on the modified accrual basis of accounting. The budget includes the proposed expenditures and the means of financing them. All annual appropriations lapse at year-end. It is typical that Metro COG expends 100% of collected local dues (paid by member units of government) and its MN/DOT State Planning Grant during the current budget year. Metro COG typically carries over federal funds and the requisite 20% non-federal local match from one budget year to the next for Contracted Planning activities.

Cash and Investments

Metro COG considers cash equivalents to be money market funds and demand deposits. Deposits must either be deposited with the Bank of North Dakota or in another financial institution situated and doing business within the state. Deposits, other than with the Bank of North Dakota, must be fully insured or bonded. In lieu of a bond, a financial institution may provide a pledge of securities equal to 110% of the uninsured balance.

State statutes authorize Metro COG to invest in: (1) Bonds, treasury bills and notes, or other securities that are a direct obligation of, or an obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organization created by an act of Congress. (2) Securities sold under agreements to repurchase, written by a financial institution in which the underlying securities for the agreement to repurchase are the type listed above. (3) Certificates of Deposit fully insured by the federal deposit insurance corporation or the state. (4) Obligations of the state.

Receivables

Receivables comprise of amounts receivable from the North Dakota Department of Transportation and the Minnesota Department of Transportation and are reimbursements due for expenses in the operation of various programs. These amounts consist of a mix of state and federal dollars. These amounts are expected to be collected in full and no allowance for doubtful accounts is deemed necessary.

Capital Assets and Depreciation

Capital assets are recorded at historical cost or estimated historical cost if actual historical cost is not known. Contributed assets, including those from the federal government, are recorded at acquisition value on the date received. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Costs incurred for repairs and maintenance are expensed as incurred.

Capital assets are defined by the federal government as assets with an initial individual cost of more than $5,000. Metro COG's capitalization policy is $1,000. It is also Metro COG's practice to require that any capital purchase of more than $5,000 be approved by the appropriate federal agency (E.g. FHWA, FTA, etc.). Such assets purchased as capital expenditures shall belong to each funding agency in proportion to their share of the original costs, unless regulations state otherwise. All such items shall be inventoried, and if sold, the funding agencies shall receive or be credited their proportional share, in accordance with federal regulations.

Property and equipment are carried at cost less accumulated depreciation computed on the straight-line method over periods ranging between 5 to 15 years. Leased assets are amortized over the life of the debt.

The determination of whether an arrangement contains a lease is made at inception by evaluating whether the arrangement conveys the right to use an identified asset and whether the Metro COG has control of the right to use asset. Control includes the right to obtain present service capacity and the right to determine the nature and manner of use of the underlying asset, as specified in the contract.

Leases with an initial lease term of more than 12 months, or that contain an option to purchase that the Metro COG is reasonably certain to exercise, are recognized based on the present value of lease payments over the lease term discounted using the interest rate implicit in the lease. In cases where the implicit rate is not readily determinable, the Metro COG uses its incremental borrowing rate based on the information available at the lease commencement date. The Metro COG has made an accounting policy election to use a risk free rate based on US Treasury T-bill rate as of the lease commencement. The Metro COG accounts for lease agreements with lease and non-lease components together as a single lease component for all underlying classes of assets.

The Metro COG continues to record rent expense for short term leases on a straight-line basis over the lease term. Short term leases have a term of 12 months or less at lease commencement and do not include an option to purchase the underlying asset that the Metro COG are reasonably certain to exercise.

The depreciable life of assets and leasehold improvements are limited by the expected lease term unless there is a transfer of title or purchase option reasonably certain of exercise.

The Metro COG's lease agreements do not include any material residual value guarantees or restrictive covenants.

Encumbrances

Encumbrances, which represent commitments related to unperformed contracts for goods or services, have not been recorded in the financial statements.

Accounts Payable

Accounts payable consists of amounts on open account for goods and services received prior to December 31, 2025, and chargeable to the appropriations for the year then ended but paid for subsequent to that date.

Compensated Absences

Employees accrue vacation leave at a rate of various hours per month for years of continuous service. The maximum amount of vacation leave is an amount that can be earned in the prior two years, to be used at the discretion of the employee and his/her department head. All outstanding vacation is payable upon termination and is recorded in the financial statements.

Sick leave is accrued at a rate of one working day per each full month of service. Employees will receive monetary compensation of (50) percent of all sick leave hours accumulated over 960 hours. This compensation is made to eligible employees at the end of December each year. Terminated employees receive compensation of all sick leave hours up to 960 at a rate of (25) percent and over 960 hours at a rate of (50) percent. Twenty five percent of accumulated unpaid sick leave is recorded in the financial statements as no employee had over 960 hours accrued as of December 31, 2025.

Metro COG accounts for compensated absences using a days-used approach. This approach consists of gathering the historical usage of compensated absences used to determine both a liability related to leave to be used as time off and leave to be settled in cash upon termination of employment. Salary-related employer payments are included in the calculation of the compensated absence liability.

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resource (expense/expenditure) until then. Metro COG does not have any items that qualify for reporting in this category.

In addition to liabilities, the statement of net position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. Metro COG has one type of item that qualifies for reporting in this category. The governmental funds report unavailable revenues from one source, local share of planning contracts. These amounts are deferred and recognized as an inflow of resources in the period that the contract commitments are fulfilled.

Fund Balance

GASB Statement No. 54 *Fund Balance Reporting and Governmental Fund Type Definitions,* provides more clearly defined fund balance categories to make the nature and extent of the constraints placed on a government's fund balance more transparent. The following classifications describe the strength of the spending constraints and the purposes for which resources can be used:

Nonspendable - consists of amounts that are not in spendable form, such as inventory and prepaid items.

Restricted - consists of amounts related to externally imposed constraints established by creditors, grantors or contributors; or constraints imposed by law through constitutional provisions or enabling legislation.

Committed - consists of internally imposed constraints. These constraints are established by formal action of the Policy Board.

Assigned - consists of internally imposed constraints. These constraints reflect the specific purpose for which it is the Organization's intended use. These constraints are established by the Policy Board. Pursuant to Board resolution, the Organization's Executive Director may be authorized to establish assignments of fund balance.

Unassigned - is the residual classification for the general fund and also reflects negative residual amounts in other funds.

The Metro COG does not have a formal fund balance policy, however, when both restricted and unrestricted resources are available for use, Metro COG will first use restricted resources, and then use unrestricted resources as they are needed.

When committed, assigned or unassigned resources are available for use, Metro COG will use resources in the following order; 1) committed, 2) assigned, 3) unassigned.

Net Position

Net position represents the difference between (a) assets and deferred outflows of resources and (b) liabilities and deferred inflows of resources in Metro COG's financial statements. Net investment in capital assets consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any long-term debt attributable to the acquisition, construction, or improvement of those assets. Restricted Net Position consists of restricted assets reduced by liabilities and deferred inflows of resources related to those assets.

Unrestricted Net Position is the net amount of assets, deferred outflows of resources, liabilities, and deferred inflows of resources that are not included in the determination of net investment in capital assets or the restricted component of net position.

Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the recorded amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Economic Dependency

Metro COG has significant economic dependency on the grant revenues from the Department of Transportation.

NOTE 2 LEGAL COMPLIANCE – BUDGETS

Expenditures Over Appropriations

The following expenditures exceeded their budgeted amounts by the following during the year ended December 31, 2025:

Travel	$ 2,145
Advertising	230
Telephone	52
Information systems	14,659
Capital outlay	28,521
Special activities	10,244

The excess of expenditures over budget were mostly covered by excess revenues over the original budget. Volatile markets and supply chain issues led to the rise in project costs and various services that were unforeseen at the time of budget preparation.

NOTE 3 DEPOSITS AND INVESTMENTS

Custodial Credit Risk

Custodial credit risk is risk associated with the failure of a depository financial institution to recover its deposits or collateralized securities that are in the possession of outside parties. Metro COG does not have a formal policy that addresses custodial credit risk for deposits. However, in accordance with state statutes, Metro COG maintains deposits at those depository banks and savings and loans authorized by Metro COG, all of which are covered by federal deposit insurance. These statutes also require that the deposits be protected by insurance, collateral or surety bond. The fair value of the collateral pledged must be equal to or greater than 110% of the deposits not covered by insurance or bonds. As of December 31, 2025, the carrying amount of all deposits was $112,281 and the bank balance was $123,314. The entire balance of Metro COG's deposits is either fully insured or properly collateralized and has no custodial credit risk.

Interest Rate Risk

Interest rate risk is the risk that changes in interest rates of debt securities will adversely affect the fair value of an investment. The price of debt security typically moves in the opposite direction of the change in interest rate. Metro COG does not have a formal investment policy that limits investment maturities as a means of managing its exposure to potential fair value losses arising from future changes in interest rates. As of December 31, 2025, Metro COG had no debt securities investments.

Credit Risk

Credit risk is the risk that an issuer or other counterparty to an investment will not fulfill its obligations. Metro COG does not have a formal investment policy that specifically addresses credit risk. As of December 31, 2025, Metro COG had no debt securities investments.

Concentration of Credit Risk

Concentration of credit risk is the risk of loss attributed to the magnitude of a government's investment in a single issuer. Metro COG does not have an investment policy that specifically addresses concentrations of credit risk in a single issuer. As of December 31, 2025, Metro COG had no debt securities investments.

NOTE 4 CAPITAL ASSETS

Capital asset activity for the year ended December 31, 2025 was as follows:

Governmental Activities	Balance 01/01/2025	Additions	Deletions	Balance 12/31/2025
Capital Assets Being Depreciated and Amortized:				
Equipment	$ 182,790	$ 28,521	$ -	$ 211,311
Furniture	69,165	-	-	69,165
Leasehold Improvements	246,125	-	-	246,125
Leased Buildings	219,296	-	-	219,296
Leased Equipment	9,990	-	-	9,990
Total Capital Assets Being Depreciated and Amortized:	727,366	28,521	-	755,887
Less Accumulated Depreciation and Amortization:				
Equipment	(97,601)	(22,982)	-	(120,583)
Furniture	(52,572)	(9,881)	-	(62,453)
Leasehold Improvements	(88,878)	(16,408)	-	(105,286)
Leased Buildings	(109,648)	(36,549)	-	(146,197)
Leased Equipment	(1,998)	(1,998)	-	(3,996)
Less Total Accumulated Depreciation and Amortization:	(350,697)	(87,818)	-	(438,515)
Total Capital Assets Being Depreciated and Amortized, Net	$ 376,669	$ (59,297)	$ -	$ 317,372

Metro COG entered into a lease agreement with Case Plaza LLC for the use of the facilities, from which Metro COG operates, located in Fargo, North Dakota. The current lease expires on December 31, 2027. Metro COG also leases equipment through 2028. Monthly payments for the lease agreements are as follows:

2026	$ 4,015
2027	4,085
2028	183

Following is the total lease expense for the year ended December 31, 2025:

	Ended 12/31/2025
Lease expense	
Amortization expense by class of underlying asset	
Copy Machine	$ 1,998
Building	36,549
Total amortization expense	38,547
Interest on lease liabilities	7,544
Total	$ 46,091

NOTE 5 COMPENSATED ABSENCES

The following is a summary of changes in compensated absences for the year ended December 31, 2025;

Balance 12/31/2024	Accrued 2025	Used 2025	Balance 12/31/2025	Current Portion 12/31/2025
$ 71,204	$ 71,277	$ 70,607	$ 71,874	$ 71,874

NOTE 6 LONG-TERM DEBT

Following is a schedule of activity of lease liabilities for the year ended December 31, 2025:

	01/01/2025	Additions	Subtractions	12/31/2025	Amounts Due Within One Year
Lease Liabilities	$ 132,121	$ -	$ (39,578)	$ 92,543	$ 43,236

Following is a schedule by years of future minimum payments required under the lease:

Maturity Analysis	Principal	Interest	Total Payments
2026	$ 43,236	$ 4,944	$ 48,180
2027	47,159	1,855	49,014
2028	2,148	46	2,194
Total Future Payments	$ 92,543	$ 6,845	$ 99,388

NOTE 7 SIMPLE DEFERRED COMPENSATION PLAN

Metro COG maintains a SIMPLE deferred compensation program for its employees. Metro COG contributes three percent of compensation for employees participating at the same or greater rate. The amount of this contribution for 2025 was $15,424.

NOTE 8 DEFICIT FUND BALANCE

At December 31, 2025, the General Fund had a deficit balance of $271,471. The Metro COG expects to eliminate this deficit with future revenues and reducing overhead costs.

NOTE 9 COMMITMENTS AND CONTINGENCIES

Risk Management

Metro COG is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters.

The State Bonding Fund currently provides Metro COG with Blanket fidelity bond coverage in the amount of $504,363 for its employees. The State Bonding fund does not currently charge a premium for this coverage.

Metro COG participates in the North Dakota Worker's Compensation Bureau.

Metro COG is insured for commercial/general liability, automobile liability insurance (nonowned and hired), personal property, inland marine, and Directors and Officers (liability). The Metro COG's current policy, obtained through the North Dakota Insurance Reserve Fund, carries $2,000,000 in general liability insurance coverage. Metro COG has not filed any claims in the last three calendar years.

Grant Programs

Metro COG participates in numerous state and federal grant programs, which are governed by various rules and regulations of the grantor agencies. Costs charged to the respective grant programs are subject to audit and adjustment by the grantor agencies; therefore, to the extent that Metro COG has not complied with the rules and regulations governing the grants, refunds of any money received may be required and the collectability of any related receivable at December 31, 2025, may be impaired. In the opinion of Metro COG, there are no significant contingent liabilities relating to compliance with the rules and regulations governing the respective grants; therefore, no provision has been recorded in the accompanying financial statements for such contingencies.

Contracts

Metro COG has entered into various contracts with contractors for transportation projects, $48,850 of costs remain on the contracts as of December 31, 2025.

NOTE 10 NEW PRONOUNCEMENTS

GASB Statement No. 103, Financial Reporting Model Improvements, revises the requirements for management's discussion and analysis with the goal of making it more readable and understandable, requires unusual or infrequent items to be presented separately, defines operating and nonoperating revenues, includes a new section for noncapital subsidies for proprietary funds' statement of revenues, expenses and changes in net position, removes the option to disclose major component information in the notes and requires them to be shown individually or in combine financial statements following the fund financial statements and requires budgetary comparisons to be presented as RSI with new columns for variances between original-to-final budget and final budget-to-actual results. This statement is effective for fiscal years beginning after June 15, 2025.

GASB Statement No. 104, Disclosure of Certain Capital Assets, establishes requirements for certain types of capital assets to be disclosed separately in the capital assets note. These items include disclosing separately lease assets, intangible right-to-use assets, subscription assets and intangible assets. In addition, additional disclosures will be required for capital assets held for sale. This statement is effective for fiscal years beginning after June 15, 2025. Earlier application is encouraged.

GASB Statement No. 105, Subsequent Events, defines subsequent events as transactions or other events occurring after the financial statement date but before the statements are available for issuance. Financial statements are considered available for issuance when they are complete in accordance with generally accepted accounting principles and have received all required approvals. The Statement also requires disclosure of the date through which subsequent events were evaluated and clarifies the distinction between recognized and nonrecognized subsequent events, including related note disclosure requirements. This statement is effective for fiscal years beginning after June 15, 2026. Earlier application is encouraged.

Management has not yet determined what effect these statements will have on Metro COG's financial statements.

NOTE 11 SUBSEQUENT EVENTS

No significant events occurred subsequent to Metro COG's year end. Subsequent events have been evaluated through September 3, 2026, which is the date these financial statements were available to be issued.

FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
STATEMENT OF GOVERNMENTAL FUND REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCE
GENERAL FUND – BUDGET AND ACTUAL
FOR THE YEAR ENDED DECEMBER 31, 2025

	Original Budget	Final Budget	Actual	Variance Favorable (Unfavorable)
Revenues:				
Federal - passed through State of ND	$ 1,681,905	$ 1,681,905	$ 1,615,429	$ (66,476)
State - Minnesota	30,580	30,580	30,580	-
Local dues	296,627	296,627	297,220	593
Local match (contracted planning)	244,528	244,528	177,273	(67,255)
Other income	-	-	632	632
Total revenues	2,253,640	2,253,640	2,121,134	(132,506)
Expenditures / Expenses				
Salaries & fringe benefits	$ 1,025,470	$ 1,025,470	$ 957,382	$ 68,088
Travel	20,000	20,000	22,145	(2,145)
Professional fees	22,236	22,236	21,262	974
Rent and utilities	98,804	98,804	97,823	981
Accounting service	19,100	19,100	18,900	200
Advertising	1,500	1,500	1,730	(230)
Telephone	4,000	4,000	4,052	(52)
Office expense	10,380	10,380	7,420	2,960
Dues and subscriptions	10,530	10,530	7,836	2,694
Project costs (contracted planning)	826,401	826,401	792,529	33,872
Information systems	173,186	173,186	187,845	(14,659)
Insurance	7,432	7,432	6,529	903
Miscellaneous	33,271	33,271	-	33,271
Capital outlay	-	-	28,521	(28,521)
Special activities	3,800	3,800	14,044	(10,244)
Total expenditures / expenses	$ 2,256,110	$ 2,256,110	$ 2,168,018	$ 88,092
Excess revenues over expenditures	(2,470)	(2,470)	(46,884)	(44,414)
Fund balance, beginning of year	(224,587)	(224,587)	(224,587)	-
Fund balance, end of year	$ (227,057)	$ (227,057)	$ (271,471)	$ (44,414)

See Note to the Budgetary Comparison Schedule

NOTE 1 - BUDGETARY COMPARISON

BUDGET

Metro COG prepares an annual budget on a per grant basis. This budget is approved by the Board and also must be approved by the grantor agency. The budget may be amended with the approval of the grantor agency.

FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND NOTES TO THE SCHEDULE OF FEDERAL AWARDS
FOR THE YEAR ENDED DECEMBER 31, 2025

Federal Grantor/Program Title	AL Number	Pass-Through Entity Identifying Number	Passed Through to Subrecipients	Expenditures
DEPARTMENT OF TRANSPORTATION				
Pass Through North Dakota Department of Transportation				
Highway Planning and Construction	20.205	Contract No. 38201401		$ 1,615,429
TOTAL DEPARTMENT OF TRANSPORTATION				1,615,429
TOTAL EXPENDITURES OF FEDERAL AWARDS				$ 1,615,429

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

NOTE 1 – Significant Accounting Policies

Expenditures reported on the Schedule of Expenditures of Federal Awards (the "Schedule") are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

NOTE 2 – Indirect Cost Rate

Fargo-Moorhead Metropolitan Council of Governments has not elected to use the 15-percent de minimis indirect cost rate as allowed under the Uniform Guidance.

NOTE 3 – Basis of Presentation

The accompanying Schedule includes the federal award activity of Fargo-Moorhead Metropolitan Council of Governments under programs of the federal government for the year ended December 31, 2025. The information in this schedule is presented in accordance with the requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of Fargo-Moorhead Metropolitan Council of Governments, it is not intended to and does not present the financial position or changes in net position of Fargo-Moorhead Metropolitan Council of Governments.

NOTE 4 – Pass-Through Entities

All pass-through entities listed above use the same AL numbers as the federal grantors to identify these grants and have not assigned any additional identifying numbers.

BradyMartz

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

To the Governing Board
Fargo-Moorhead Metropolitan Council of Governments
Fargo, North Dakota

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and general fund of Fargo-Moorhead Metropolitan Council of Governments as of and for the year ended December 31, 2025, and the related notes to the financial statements, which collectively comprise Fargo-Moorhead Metropolitan Council of Governments' basic financial statements, and have issued our report thereon dated September 3, 2026.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered Fargo-Moorhead Metropolitan Council of Governments' internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of Fargo-Moorhead Metropolitan Council of Governments' internal control. Accordingly, we do not express an opinion on the effectiveness of Fargo-Moorhead Metropolitan Council of Governments' internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether Fargo-Moorhead Metropolitan Council of Governments' financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Brady Martz

BRADY MARTZ, PLLC
GRAND FORKS, NORTH DAKOTA

September 3, 2026

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE FOR EACH MAJOR PROGRAM AND ON INTERNAL CONTROL OVER COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE

To the Governing Board
Fargo-Moorhead Metropolitan Council of Governments
Fargo, North Dakota

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited Fargo-Moorhead Metropolitan Council of Governments' compliance with the types of compliance requirements identified as subject to audit in the *OMB Compliance Supplement* that could have a direct and material effect on its major federal program for the year ended December 31, 2025. Fargo-Moorhead Metropolitan Council of Governments' major federal program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, Fargo-Moorhead Metropolitan Council of Governments complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended December 31, 2025.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States; and the audit requirements of *Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of Fargo-Moorhead Metropolitan Council of Governments and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of Fargo-Moorhead Metropolitan Council of Governments compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts or grant agreements applicable Fargo-Moorhead Metropolitan Council of Governments' federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on Fargo-Moorhead Metropolitan Council of Governments compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about Fargo-Moorhead Metropolitan Council of Governments compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding Fargo-Moorhead Metropolitan Council of Governments' compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding Fargo-Moorhead Metropolitan Council of Governments' internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness Fargo-Moorhead Metropolitan Council of Governments' internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Brady Martz

BRADY MARTZ, PLLC
GRAND FORKS, NORTH DAKOTA

September 3, 2026

FARGO-MOORHEAD METROPOLITAN COUNCIL OF GOVERNMENTS
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED DECEMBER 31, 2025

Section I-Summary of Auditor's Results

Financial Statements

Type of auditor's report issued:	Unmodified
Internal control over financial reporting:	
Material weakness(es) identified?	___ yes _x_ no
Significant deficiency(ies) identified that are not considered to be material weaknesses?	___ yes _x_ none
Noncompliance material to financial statements noted?	___ yes _x_ no

Federal Awards

Internal control over major programs:	
Material weakness(es) identified?	___ yes _x_ no
Significant deficiency(ies) identified that are not considered to be material weaknesses?	___ yes _x_ none
Type of auditor's report issued on compliance for major programs:	Unmodified
Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)?	___ yes _x_ no

Identification of major programs:

AL Number(s)	Name of Federal Program or Cluster
20.205	Highway Planning and Construction

Dollar threshold used to distinguish between Type A and Type B programs:	$1,000,000
Auditee qualified as low-risk auditee?	_x_ yes ___ no

Section II-Financial Statement Findings

None – no current year audit findings were reported.

Section III-Federal Award Findings and Questioned Costs

None – no current year audit findings were reported.

Agenda Item 3b

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

To: Transportation Technical Committee
From: Adam Altenburg and Linghao Zhang, Metro COG
Date: September 11, 2026
Re: **Draft 2027-2030 Transportation Improvement Program (TIP) Adoption**

Metro COG has prepared the **Draft 2027–2030 Transportation Improvement Program (TIP)**, which identifies federally funded, regionally significant, and locally significant transportation projects for the four-year federal fiscal period. The TIP was developed in coordination with NDDOT, MnDOT, MATBUS, and local jurisdictions throughout the Fargo-Moorhead region.

Public involvement was conducted in accordance with Metro COG's Public Participation Plan (PPP) and 23 CFR 450.316. A legal notice published in *The Forum of Fargo-Moorhead* on August 15, 2026, initiated the required 30-day public comment period. Metro COG also held a public open house on September 2, 2026, at the Moorhead Public Library and made the draft TIP available on its website.

Since the initial draft was released in August, Metro COG has incorporated updates to project information, financial information, and other document content based on continued coordination with state and local partners. An updated **September 2, 2026** version was presented at the public open house, posted to the Metro COG website, and distributed electronically.

The public comment period closes at **12:00 p.m. (noon) on September 14, 2026**. Any additional comments received by this time will be presented to the Policy Board on **September 17, 2026**.

The Draft 2027–2030 TIP is available at https://fmmetrocog.org/TIP.

Requested Action: Pending consideration of any public comments received through September 14, 2026 and final review by NDDOT, approve the Draft 2027–2030 Transportation Improvement Program (TIP).

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

To: Policy Board members
From: Ben Griffith, AICP, Executive Director
Date: September 11, 2026
Re: **Adopt 2027-2028 UPWP & Budget**

Metro COG is required by NDDOT to complete a two-year Unified Planning Work Program (UPWP) & Budget every year, in preparation of the annual Consolidated Planning Grant (CPG) contracto for the upcoming year. The UPWP lays out Metro COG's work program and budget for the next two years. Expenditure of CPG funds are detailed within the document in various spreadsheets and tables. Also included are proposed contracted planning projects and studies with project narratives, breakdowns of federal funds and the required 20% local match.

All the proposed contracted planning projects in the UPWP for 2027 and 2028 are related to Metro COG's 2055 Metropolitan Transportation Plan (MTP) with the exception of two projects related to the Advanced Traffic Analysis Center (ATAC) at NDSU.

Metro COG's total CPG amount (Federal revenue) for 2027 is $1,607,149.58. CPG amounts provided by NDDOT and MnDOT are estimates and may be subject to change during the course of the upcoming year, especially with the current transportation bill due to expire on September 30 and future transportation funding amounts unknown at this time.

In June, the draft 2027-2028 UPWP & Budget was approved by the Policy Board and forwarded to oversight agencies for comment. Comments were received back from oversight agencies on August 20. These comments have been addressed in the UPWP text throughout the document. Some slight revisions in MnDOT funding amounts resulted in minor reductions in several line items of the overhead costs and Safe and Accessible Transportation Options (FKA: "Complete Streets") funding, but funding for the contracted planning projects remained unchanged.

The Final Draft of the 2027-2028 UPWP & Budget may be found on the Metro COG website at the following location:

https://fmmetrocog.org/resources/unified-planning-work-program

At their regularly scheduled meeting on Thursday, September 10, the Transportation Technical Committee (TTC) unanimously recommended adoption of the 2027-2028 UPWP & Budget to the Policy Board.

Recommendation: Adoption of Metro COG's 2027-2028 Unified Planning Work Program (UPWP) & Budget with minor corrections and revisions, and including the addressing of any comments received from NDDOT, MnDOT, FHWA and FTA during their 30-day review period

Agenda Item 3d

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

To: Metro COG Policy Board
From: Dan Farnsworth, Metro COG
Date: September 11, 2026
Re: **Fargo-Moorhead Metro Bicycle & Pedestrian Plan RFP**

Every five years Metro COG develops a new Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan. This plan takes a comprehensive look at the F-M Metro Area's bicycle & pedestrian networks, seeks input from the public, and provides recommendations and guidance to meet the needs of the community and improve the bicycle & pedestrian environment for all users. This plan will be part of Metro COG's 'family of plans' and will feed into Metro COG's upcoming Metropolitan Transportation Plan (MTP) update.

Attached is the draft RFP for the Fargo-Moorhead Metro Bicycle & Pedestrian Plan. The overall project budget is $200,000 with $155,000 allocated for use in 2027 and $45,000 allocated for use in 2028. Metro COG will work closely with the selected consultant to ensure the funding amounts are utilized in their allocated years.

As of the writing of this memo, NDDOT is still currently reviewing the draft RFP and has said it will provide comments prior to the Policy Board meeting on September 17th.

Requested Action: Approval of the Fargo-Moorhead Metro Bicycle & Pedestrian Plan RFP, pending NDDOT comments.

Attachment 1

FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2027-236

2027 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan

DRAFT

September, 2026

APPROVED:

____

Ben Griffith
Metro COG, Executive Director

METROCOG
FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

REQUEST FOR PROPOSALS (RFP)

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

Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an oral interview. Upon completion of technical ranking and oral interviews, Metro COG will enter into negotiations with the top ranked firm. **Sealed cost proposals shall be submitted with the RFP**. The cost proposal of the top-ranked firm will be opened during contract negotiations. Those firms not selected for direct negotiations will have their unopened cost proposals returned. Metro COG reserves the right to reject any or all submittals. This project will be funded, in part with federal transportation funds and has a not-to-exceed budget of **$200,000 ($155,000** allocated for **2027** and **$45,000** allocated for **2028).**

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

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

All proposals received by **4:30 p.m. (Central Time) on Wednesday October 21, 2026** at the Metro COG office will be given equal consideration. Respondents must submit one (1) PDF of the proposal, and one (1) sealed hard copy of the cost proposal. The full length of each proposal shall not exceed thirty-five (35) pages; including any supporting material, charts, or tables.

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

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

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

Note: The document can be made available in alternative formats for persons with disabilities by contacting the contact above.

TABLE OF CONTENTS

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

I AGENCY OVERVIEW

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

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

II PROJECT BACKGROUND AND OBJECTIVE

The Fargo-Moorhead Metropolitan Area has a rich history of bicycle & pedestrian planning with known bicycle & pedestrian plans dating back to 1975. The F-M Metro Area also has a history of jurisdictional collaboration on bicycle and pedestrian efforts with the Metropolitan Bicycle & Pedestrian Committee meeting 133 times since its inception.

The Fargo-Moorhead Metropolitan Area has been designated three times by The League of American Bicyclists as a Bronze-level Bicycle Friendly Community. The F-M Metro Area continues to grow and connect both the bicycle and pedestrian infrastructure networks. Shared use paths continue to provide connections, bike lanes and wide paved shoulders provide many of the area's on-street bikeway options, and sidewalks accompany the vast majority of the urban roadways.

Metro COG and its partnering agencies seek to continue to improve upon past planning efforts to make a safe, connected, and welcoming bicycle and pedestrian experience for all users.

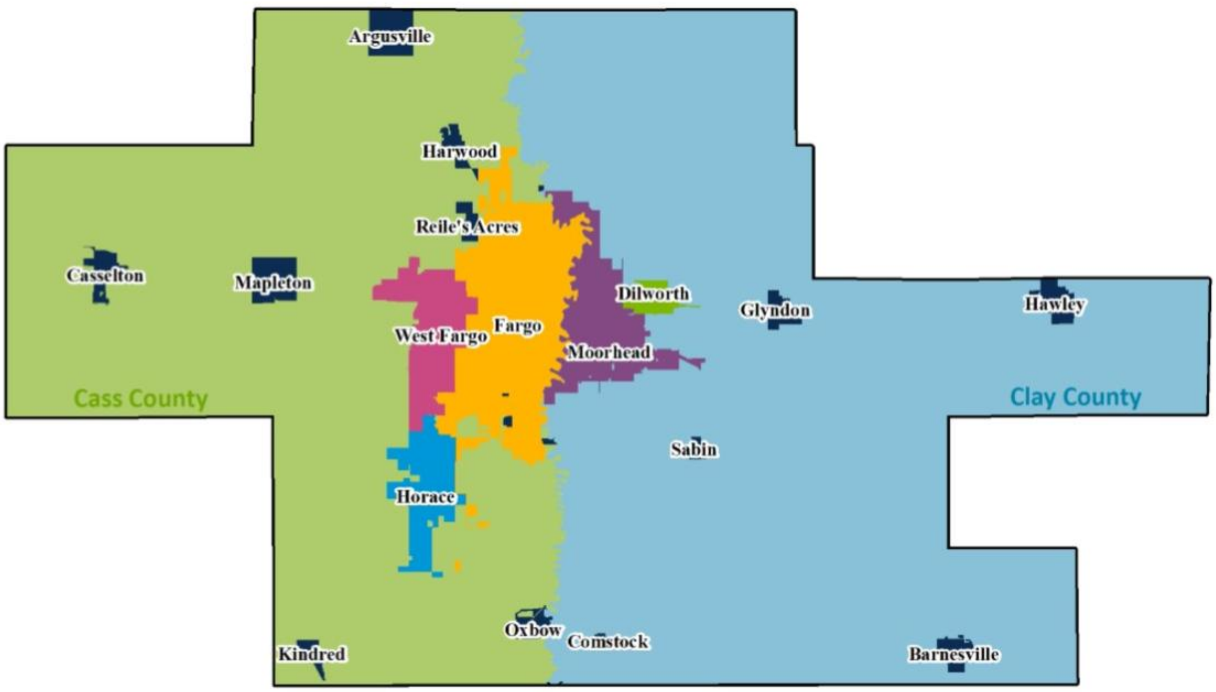
Every five years Metro COG develops a new Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan. This plan takes a comprehensive look at the F-M Metro Area's bicycle & pedestrian networks, seeks input from the public and local jurisdictions, and provides recommendations and guidance to meet the needs of the community and improve the bicycle & pedestrian environment for all users. This plan will incorporate 'The Six E's' of bicycle & pedestrian planning – Education, Encouragement, Evaluation & Planning, Engineering, Enforcement, and Equity.

The last Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan was completed in 2022. Metro COG is seeking a qualified Consultant to develop a new and updated plan. Goals for the plan include but are not limited to: understanding the bicycle/pedestrian needs based on existing conditions, various analysis, and public engagement, and develop recommendations to make the community more safe and accessible for both pedestrians and bicycle users. The study area for the plan will include the entirety of Metro COG's planning area as shown in Figure 1.

Metro COG is seeking a Consultant who can provide feasible solutions to the bicycle and pedestrian needs of the Fargo-Moorhead Area.

For reference past Fargo-Moorhead Bicycle and Pedestrian Plans can be found on Metro COG's website at the following link:
www.fmmetrocog.org/resources/planning/bicycle-pedestrian-planning

Figure 1 – Metro COG Planning Area (MPA)



III SCOPE OF WORK AND PERFORMANCE TASKS

Outlined below is the scope of work that will guide development of the 2027 Fargo-Moorhead Metropolitan Bicycle & Pedestrian 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.

At minimum, the Consultant is expected to complete the following tasks as part of this project:

Task 1 – Project Management

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

The Consultant will assign a single person to serve through the life of the contract as Consultant Project Manager ("PM"). The PM must be the person identified in the selected firm's proposal and may not be changed without prior written approval of Metro COG. The PM is responsible for overall project management necessary to ensure the satisfactory completion of the 2027 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan, on-time and on-budget, in accordance with the scope of services. The PM will serve as a single point of contact and will be expected to ensure the consultant team is properly managed, adequate resources are available, submittals are timely, quality control processes are utilized for maximum benefit, and invoices are paid in a timely fashion.

The PM will submit monthly invoices with documentation acceptable to Metro COG within 30 business days following the end of each month throughout the life of the contract. Invoices must include the monthly progress report, a breakout of activities by task, employee hours for those tasks, and any supportive documentation for expenses. Metro COG reviews and processes all invoices for payment that are received prior to its Policy Board (3rd Thursday of each month). Any invoice received after the Wednesday before Policy Board meetings will not be processed until the next Policy Board meeting.

$155,000 is budgeted in 2027 and $45,000 is budgeted in 2028. The Consultant cannot exceed $155,000 in 2027 and cannot exceed $45,000 in 2028. No remaining 2027 funding can be carried into 2028. The Consultant shall schedule work tasks accordingly so that budgets are met within their respective years. It's acceptable if work needs to pause in late-2027 when the 2027 budget is expended.

Task 2 – Data Collection and Existing Conditions

The Consultant shall gather and analyze relevant existing conditions. Metro COG and its local jurisdictions will aid in these efforts by providing relevant datasets where they exist. Any other non-existing datasets necessary to accomplish the goals of the analysis will need to be gathered/developed by the Consultant. Existing conditions data should include the following but not limited to:

- Demographics & Travel Trends – The Consultant should provide a summary of the existing local demographics, local mode-split, and local travel trends.

- Crash analysis – Metro COG can coordinate with the Consultant and local agencies to obtain bicycle & pedestrian crash data. At a minimum this data should contain crash information for the past five years.
- Bicycle network – Metro COG has shapefiles which show the existing bicycle network which include: shared use paths, bike lanes, wide paved shoulders, etc.
- Sidewalk network – Metro COG has shapefiles which show the most up-to-date sidewalk network.
- Bicycle & pedestrian count data – Metro COG has a program which counts bicycle and pedestrian traffic on a regular basis. This data can be provided to the Consultant as part of the existing conditions and analysis.
- Local ordinances – The Consultant should research existing local ordinances as they relate to bicycle and pedestrian modes. These can range from sidewalk construction ordinances to bicycle rules of the road ordinances.

Task 3 – Study Review Committee

Development of the Plan will be guided by a Study Review Committee (SRC), which will provide oversight and input into the development of the Plan. The SRC will likely consist of all members of the Metropolitan Bicycle & Pedestrian Committee and will meet on a regular basis throughout the planning process.

The Consultant should propose the quantity, timing, and content of these meetings. 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, no less than three business days prior to the meetings. The Consultant is also responsible for the recording of meeting minutes, which should be submitted to Metro COG's Project Manager and will serve as documentation of the SRC's guidance and decisions.

Task 4 – Public Involvement

Public involvement opportunities will be held to obtain input from the community. It is important that public input be gathered from all facets of the Fargo-Moorhead Metropolitan community including but not limited to: all geographical areas, individuals of all ages, genders, races, and income levels. It will be also important to gather input from individuals with disabilities. This plan should not only be shaped by bicycle or pedestrian advocates, but by the Fargo-Moorhead Metropolitan community as a whole. Extra effort may be necessary to gather input from populations who are not typically represented in bicycle & pedestrian planning efforts.

Public Involvement shall be in accordance with Metro COG's Public Participation Plan. The Consultant should propose engagement methods they think would be most successful. The Consultant will facilitate all public engagement activities, and should propose the number, type, and strategy for each public involvement effort.

At a minimum, public involvement should include:

a) Website and Social Media – Metro COG will host a project website for this study and will display social media posts on Metro COG's Facebook page. Metro COG will work with the Consultant in obtaining materials to display on the project website and Facebook.

b) Public Input Meetings – The Consultant should propose an approach to public input meetings during the course of the Plan. These meetings can include traditional public meetings, public open houses, pop-up meetings (input at an existing event / where the public is gathered), or others. Meetings should be in-person, however online engagement is also necessary.

   The Consultant will be responsible for providing advertising materials including PDF flyers, media release write-up, and an advertisement for the public notice to be published in the newspaper. All public notice costs will be the responsibility of the Consultant and should be accounted for as part of the project budget.

   The Consultant will provide a summary of all public input meetings and, if meetings are held in-person, is responsible for providing materials at the meetings, including but not limited to, sign-in sheets, comment forms, handouts, roll drawings, meeting display boards, and meeting presentations. All public comments received shall be recorded, summarized in the final document or considered for display in the final document's appendix. The Consultant will provide a contact person for which the public to provide input. The contact person shall be made available by phone, mail and e-mail.

c) Online Engagement – Online engagement is an important component to Metro COG's public involvement efforts. Using the project page hosted on Metro COG's website, online engagement should entail the same information and engagement opportunities as provided at the in-person engagement events.

   Online engagement should, at a minimum, include an online survey, online comment map, and project notification sign-up. The Consultant should propose an approach to conducting this Plan's online engagement.

Task 5 - Needs, Vision, and Goals

The Consultant shall work with the SRC and the public in identifying the community's bicycle & pedestrian needs. The Consultant shall then develop a vision and set of goals for meeting the needs. The vision and goals should include 'The Six E's' of bicycle & pedestrian planning – Education, Encouragement, Evaluation & Planning, Engineering, Enforcement, and Equity.

Recommendations from past plans should be researched and considered when developing the needs, vision, and goals. These plans should include but not be limited to:

- West Fargo Safe Routes to School Plan (adoption in early-2027)
- Moorhead Safe Routes to School Plan (2025)
- D-G-F Safe Routes to School Plan (2023)
- 2022 Fargo-Moorhead Metropolitan Bicycle & Pedestrian Plan
- Minnesota Statewide Pedestrian System Plan (2021)
- FM Greenway Recreation Master Plan (2020)
- Fargo Safe Routes to School Plan (2020)
- Fargo-Moorhead Metro Bikeways Gap Analysis (2019)
- ND Moves – Statewide Active and Public Transportation Plan (2019)
- Minnesota Statewide Bicycle System Plan (2016)
- Local comprehensive plans

Task 6 - Recommendations

Based on the needs, vision, and goals as identified in Task 5, the Consultant shall provide a list of recommendations. The recommendations should span 'The Six E's' of bicycle & pedestrian planning and should be vetted by the SRC. The recommendations should be comprehensive and implementable.

Task 7 - Implementation

Per the recommendations outlined in Task 6, an implementation plan shall be developed by the Consultant as a blueprint to meet the needs and achieve the vision and goals. The implementation plan should include prioritization of policies and projects as well as proposed timeframes.

A list of bicycle/pedestrian-related infrastructure projects shall be developed with associated cost estimates and recommended timeframes. Timeframes shall extend as far as year 2055.

Task 8 – Draft Document

Upon completion of the previous tasks, the Consultant shall provide a draft document for review by the SRC and the public. The document shall include the resulting efforts of Tasks 2 through 7.

The draft document should be easy to understand by the public while providing useful information for local decision-makers. Tables, maps, and graphics are encouraged to make the document informative and attractive to users. The document shall include an appendix which should contain all meeting summaries, public engagement details, and technical analysis.

The body of the document should have approximately the same amount of content and level of specificity as the 2016 Fargo-Moorhead Metropolitan Bicycle and Pedestrian Plan. Recommendations within the document should be specific and quantitative.

Task 8 – Final Document

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

Task 9 – Adoption Process

As part of the study's adoption process, presentations will be made to local boards and committees. The Consultant should budget for up to four presentations of the final study to local boards and committees.

Task 10 – Data Deliverables

Data collected and GIS files developed as part of this Plan shall be provided to Metro COG upon completion of the Plan. Of key importance to Metro COG and Metro COG's local jurisdictions would be GIS file(s) showing recommended bicycle/pedestrian network improvements.

IV Task 7 - IMPLEMENTATION SCHEDULE

1) Consultant Selection

Advertise for Consultant Proposals	approximately 9/21/2026
Due Date for Proposal Submittals (by 4:30pm)	10/21/2026
Review Proposals/Identify Finalists	10/22/2026 – 10/30/2026
Interview Finalists	11/2/2026 – 11/9/2026
Metro COG Board Approval/Consultant Notice	11/19/2026
Consultant Negotiations & Contract Development	11/20/2026 – 12/4/2026
NDDOT Review of Contract	12/7/2026 – 12/14/2026
Finalize & Sign Contract	approximately 12/15/2026
QBS Submittal & Approval (between NDDOT & Metro COG)	1 to 4 weeks
Notice to Proceed*	Immediately after QBS Approval

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

2) Project Schedule

Project kick-off	January, 2027
Plan development	January – December, 2027

Once $155,000 has been expended in 2027, work must be paused.

Beginning January 1, 2028, $45,000 will be available to complete project. 2027 funds will no longer be available after December 31, 2027.

Development of draft document	January, 2028
Review of draft document	February, 2028
Final document complete	March, 2028
Presentations to committees and boards	March – May, 2028
All invoices for project to be received by Metro COG	June, 2028

V EVALUATION AND SELECTION PROCESS.

Selection Committee. Metro COG will establish a multijurisdictional selection committee to select a Consultant. The committee will consist of Metro COG staff, local jurisdiction staff, and possibly others.

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

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

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

A Consultant will be selected on November 19th, 2026 based on an evaluation of the proposals submitted, the recommendation of the Selection Committee and approval by the Metro COG Policy Board.

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

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

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

VI PROPOSAL CONTENT

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

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

At minimum, proposals shall include the following information:

1) **Contact Information.** Name, telephone number, email address, mailing address and other contact information for the Consultant's Project Manager.

2) **Introduction and Executive Summary**. This section shall document the Consultant name, business address (including telephone, email address(es), year established, type of ownership and parent company (if any), project manager name and qualifications, and any major facts, features, recommendations or conclusions that may differentiate this proposal from others, if any.

3) Work Plan and Project Methodology. Proposals shall include the following, at minimum:

   a) A detailed work plan identifying the major tasks to be accomplished relative to the requested study tasks and expected product as outlined in this RFP;

   b) A timeline for completion of the requested services, including all public participation opportunities and stakeholder meetings, identifying milestones for development of the project and completion of individual tasks.

c) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past.

d) List of the proposed principal(s) who will be responsible for the work, proposed Project Manager and project team members (with resumes).

e) A breakout of hours for each member of the team by major task area, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task. Note that specific budget information is to be submitted in a sealed cost proposal as described below in Section VIII. General Proposal Requirements.

f) A list of any subcontracted firms, 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) Ability of firm to meet required time schedules based on current and known future workload of the staff assigned to the project.

4) **Signature.** Proposals shall be signed by an authorized member of the firm/project team.

5) **Attachments.** Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:

Exhibit A - Cost Proposal Form (as identified in VIII 1)

Exhibit B – Federal Clauses

VII SUBMITTAL INFORMATION

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

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

All proposals received by 4:30 p.m. on Wednesday, October 21, 2026 at Metro COG's office will be given equal consideration. Respondents must submit one (1) PDF copy of the proposal. The full length of each proposal should not exceed thirty (30) pages; including any supporting material, charts, or tables.

The consultant may ask for clarifications of the content within the RFP by contacting the Metro COG project manager identified above. The project manager will attempt to answer reasonable questions regarding the project purpose and intent providing that they are submitted in a timely manner. If you wish to meet with the Metro COG regarding the RFP, please work with the project manager to schedule a time.

VIII GENERAL RFP REQUIREMENTS.

1) **Sealed Cost Proposal.** All proposals must be clearly identified and marked with the appropriate project name; inclusive of a separately sealed cost proposal per the requirements of this RFP. Cost proposals shall be based on an hourly "not to exceed" amount and shall follow the general format as provided within Exhibit A of this RFP. Metro COG may decide, in its sole discretion, to negotiate a price for the project after the selection committee completes its final ranking. Negotiation will begin with the Consultant identified as the most qualified per requirements of this RFP, as determined in the evaluation/selection process. If Metro COG is unable to negotiate a contract for services negotiations will be terminated and negotiations will begin with the next most qualified Consultant. This process will continue until a satisfactory contract has been negotiated. The sealed cost proposal is required to include the following documentation:

    a. **Documentation from the ND Secretary of State detailing the prime consultant is in good standing and is licensed to do business in the State of North Dakota**

    b. **Documentation that the prime consultant is registered with the ND Board of Registration**

    c. **Documentation showing registration with the federal System for Award Management (SAM.gov) that the prime consultant has not been suspended, debarred, voluntarily excluded, or deterred ineligible**

2) **Consultant Annual Audit Information for Indirect Cost.** Consulting firms proposing to do work for Metro COG must have a current audit rate no older than 15 months from the close of the firms Fiscal Year. Documentation of this audit rate must be provided with the sealed cost proposal. Firms that do not meet this requirement will not qualify to propose or contract for Metro COG projects until the requirement is met. Firms that have submitted all the necessary information to Metro COG and are waiting for the completion of the audit will be qualified to submit proposals for

work. Information submitted by a firm that is incomplete will not qualify. Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit prior to the interview. **This documentation should be attached with the sealed cost proposal. The submitted Indirect Rate MUST match the Indirect Rate on all invoicing.**

3) **Debarment of Suspension Certification and Certification of Restriction on Lobbying.** See Exhibit B, Federal Clauses regarding Debarment of Suspension and Restriction on Lobbying.

4) **Respondent Qualifications.** Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the requested services within this RFP. Each respondent may also be required to show that similar work has been performed in a satisfactory manner and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent whom is engaged in any work that would impair his or her ability to perform or finance this work.

5) **North Dakota Department of Transportation Consultant Administration Services Procedure Manual.** Applicants to this Request for Proposal are **required** to follow procedures contained in the *NDDOT Consultant Administration Services Procedure Manual*, which includes prequalification of Consultants. This Manual may be found on the NDDOT website at https://www.dot.nd.gov/sites/www/files/documents/construction-and-planning/Consultant-Admin-Services-Procedures.pdf.

IX 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 will 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 Request for Proposals. Metro COG reserves the right to reject any agreement that does not conform to the Request for Proposal and any Metro COG requirements for agreements and contracts.

6) The Consultant shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of Metro COG.

7) The Consultant agrees to not start any work on the project until the Qualifications Based Selection requirements have been satisfied and approved by the NDDOT, and Metro COG has provided the consultant with a notice to proceed.

X PAYMENTS

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

XI FEDERAL AND STATE FUNDS

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

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

XII TITLE VI ASSURANCES

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

1) **Compliance with Regulations.** The Consultant shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations).

2) **Nondiscrimination.** The Consultant, with regard to the work performed by it, shall

not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of Subconsultants, including procurements of materials and leases of equipment. The Consultant shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the Consultant of the Consultant's obligations to Metro COG and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.

4) **Information and Reports.** The Consultant shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Metro COG or the North Dakota Department of Transportation to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Consultant shall so certify to Metro COG, or the North Dakota Department of Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

5) **Sanctions for Noncompliance.** In the event of the Consultant's noncompliance with the nondiscrimination provisions as outlined herein, Metro COG and the North Dakota Department of Transportation shall impose such sanctions as it or the Federal Highway Administration / Federal Transit Administration may determine to be appropriate, including but not limited to:

    a. Withholding of payments to the Consultant under the contract until the Consultant complies; or

    b. Cancellation, termination, or suspension of the contract, in whole or in part.

6) **Incorporation of Title VI Provisions**. The Consultant shall include the provisions of Section XII, paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

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

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

XIII TERMINATION PROVISIONS

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. Consultant shall deliver all records, equipment and materials to Metro COG within 24 hours of the date of termination.

XIV LIMITATION ON CONSULTANT

All reports and pertinent data or materials are the sole property of Metro COG and its state and federal planning partners 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.

XV CONFLICT OF INTEREST

No Consultant, Subconsultant, or member of any firm proposed to be employed in the preparation of this proposal shall have a past, ongoing, or potential involvement which could be deemed a conflict of interest under North Dakota Century Code or other law.

During the term of this Agreement, the Consultant shall not accept any employment or engage in any consulting work that would create a conflict of interest with 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.

XVI INSURANCE

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

XVII RISK MANAGEMENT

The Consultant agrees to defend, indemnify, and hold harmless Metro COG and the state of North Dakota, its agencies, officers and employees (State), 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. 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 Consultant in establishing and litigating the indemnification coverage provided herein. This obligation shall continue after the termination of this Agreement.

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

1. Commercial general liability and automobile liability insurance - minimum limits of liability required are $500,000 per person and $2,000,000 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 the undersigned Client and the State Risk Management Department.

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

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

When a portion of the work under the Agreement is sublet, the Consultant shall obtain insurance protection (as outlined above) to provide liability coverage to protect the Consultant, Metro COG and the State as a result of work undertaken by the Subconsultant. In addition, the Consultant shall ensure that any and all parties performing work under the Agreement are covered by public liability insurance as outlined above. All Subconsultants performing work under the 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 State. 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 with concurrently with the technical proposal as part of the overall RFP response. The cost estimate should be based on a not to exceed basis and may be further negotiated by Metro COG upon identification of the most qualified Consultant. Changes in the final contract amount and contract extensions are not anticipated.

REQUIRED BUDGET FORMAT

Summary of Estimated Project Cost

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

Exhibit B - Federal Clauses

COMPLIANCE REVIEW NOTE:
The federal contract provisions contained in this document were reviewed for compliance with applicable regulations as of November 6, 2025. While every effort has been made to ensure alignment with current federal requirements, users are advised that regulatory changes may occur. This document reflects the standards in effect at the time of review and does not constitute a commitment to update contract provisions retroactively unless required by law or funding agency directive.

BUY AMERICA REQUIREMENTS 23 CFR 635.410

(a) The provisions of this section shall prevail and be given precedence over any requirements of this subpart which are contrary to this section. However, nothing in this section shall be construed to be contrary to the requirements of § 635.409(a) of this subpart.
(b) No Federal-aid highway construction project is to be authorized for advertisement or otherwise authorized to proceed unless at least one of the following requirements is met:
  (1) The project either: (i) Includes no permanently incorporated steel or iron materials, or (ii) if steel or iron materials are to be used, all manufacturing processes, including application of a coating, for these materials must occur in the United States. Coating includes all processes which protect or enhance the value of the material to which the coating is applied.
  (2) The State has standard contract provisions that require the use of domestic materials and products, including steel and iron materials, to the same or greater extent as the provisions set forth in this section.
  (3) The State elects to include alternate bid provisions for foreign and domestic steel and iron materials which comply with the following requirements. Any procedure for obtaining alternate bids based on furnishing foreign steel and iron materials which is acceptable to the Division Administrator may be used. The contract provisions must (i) require all bidders to submit a bid based on furnishing domestic steel and iron materials, and (ii) clearly state that the contract will be awarded to the bidder who submits the lowest total bid based on furnishing domestic steel and iron materials unless such total bid exceeds the lowest total bid based on furnishing foreign steel and iron materials by more than 25 percent.
  (4) When steel and iron materials are used in a project, the requirements of this section do not prevent a minimal use of foreign steel and iron materials, if the cost of such materials used does not exceed one-tenth of one percent (0.1 percent) of the total contract cost or $2,500, whichever is greater. For purposes of this paragraph, the cost is that shown to be the value of the steel and iron products as they are delivered to the project.
(c) (1) A State may request a waiver of the provisions of this section if;

(i) The application of those provisions would be inconsistent with the public interest; or
(ii) Steel and iron materials/products are not produced in the United States in sufficient and reasonably available quantities which are of a satisfactory quality.

(2) A request for waiver, accompanied by supporting information, must be submitted in writing to the Regional Federal Highway Administrator (RFHWA) through the FHWA Division Administrator. A request must be submitted sufficiently in advance of the need for the waiver in order to allow time for proper review and action on the request. The RFHWA will have approval authority on the request.
(3) Requests for waivers may be made for specific projects, or for certain materials or products in specific geographic areas, or for combinations of both, depending on the circumstances.
(4) The denial of the request by the RFHWA may be appealed by the State to the Federal Highway Administrator (Administrator), whose action on the request shall be considered administratively final.
(5) A request for a waiver which involves nationwide public interest or availability issues or more than one FHWA region may be submitted by the RFHWA to the Administrator for action.
(6) A request for waiver and an appeal from a denial of a request must include facts and justification to support the granting of the waiver. The FHWA response to a request or appeal will be in writing and made available to the public upon request. Any request for a nationwide waiver and FHWA's action on such a request may be published in the Federal Register for public comment.
(7) In determining whether the waivers described in paragraph (c)(1) of this section will be granted, the FHWA will consider all appropriate factors including, but not limited to, cost, administrative burden, and delay that would be imposed if the provision were not waived.

(d) Standard State and Federal-aid contract procedures may be used to assure compliance with the requirements of this section.

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE41 CFR 60-1.4(b) and 2 CFR Part 200 Appendix II (C)

41 CFR 60-1.4(a)

(a) *Government contracts.* Except as otherwise provided, each contracting agency shall include the following equal opportunity clause contained in section 202 of the order in each of its Government contracts (and modifications thereof if not included in the original contract):

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such actions shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

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

* * * * *

(c) *Subcontracts. Each nonexempt prime contractor or subcontractor shall include the equal opportunity clause in each of its nonexempt subcontracts.*

(d) *Incorporation by reference. The equal opportunity clause may be incorporated by reference in all Government contracts and subcontracts, including Government bills of lading, transportation requests, contracts for deposit of Government funds, and contracts for issuing and paying U.S. savings bonds and notes, and such other contracts and subcontracts as the Deputy Assistant Secretary may designate.*

(e) *Incorporation by operation of the order. By operation of the order, the equal opportunity clause shall be considered to be a part of every contract and subcontract required by the order and the regulations in this part to include such a clause whether or not it is physically incorporated in such contracts and whether or not the contract between the agency and the contractor is written.*

(f) *Adaptation of language. Such necessary changes in language may be made in the equal opportunity clause as shall be appropriate to identify properly the parties and their undertakings.*

2 CFR Part 200 Appendix II (C)

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

USDOT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM REQUIREMENTS 49 CFR 26

(a) Each financial assistance agreement you sign with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation, and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

(b) Each contract you sign with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SANCTIONS AND PENALTIES FOR BREACH OF CONTRACT 2 CFR Part 200 Appendix II (A)

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

TERMINATION FOR CAUSE AND CONVENIENCE – 2 CFR PART 200 APPENDIX II (B)

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

RIGHTS TO INVENTIONS MADE UNDER A CONTRACT OR AGREEMENTCFR Part 200 Appendix II (F)

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

DEBARMENT AND SUSPENSION 2 CFR Part 200 Appendix II (I)

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

BYRD ANTI-LOBBYING AMENDMENT - 2 CFR Part 200 Appendix II (J)

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

Agenda Item 3e

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

To: Policy Board
From: Michael Maddox, AICP
Date: September 11, 2026
Re: **2055 Streets and Highways Modal Plan – RFP Release**

Metro COG has Included within its 2027-2028 Unified Planning Work Program (UPWP) a planning effort to study regional transportation infrastructure needs named the 2055 Streets and Highways Modal Plan. This plan will seek to develop a list of street and highway infrastructure needs to the year 2055. This will be used as the transportation projects section of Metro COG's 2055 MTP that will be developed in subsequent years.

Metro COG is taking a new approach to the development of "modal" projects. The agency conducts planning efforts such as the Bicycle and Pedestrian Plan, Transit Development Plan, And Freight Plan that in essence are mode specific. In this approach, future transportation projects will be developed as part of these "modal plans" rather than in the MTP effort. They will then be appended by reference into the MTP when it is updated in 2028.

The "modal plan" approach is designed to give Metro COG more time to develop projects, due to the one-year CPG expenditure requirement and the update deadline. Each "modal plan" will develop components of the MTP. One advantage to this approach is that there is more time to dig into project details and coordinate with Metro COG's reginal partners.

The 2055 Streets and Highways Modal Plan will have a budget of $175,000, with $100,000 being programmed in 2027 and $75,000 in 2028. Since this is a regional plan, all member jurisdictions will be providing the local match as per the population-based cost allocation formula.

As of the writing of this memo, NDDOT is still currently reviewing the RFP and has said it will provide comments before the Policy Board meeting. Attached to this memo is a copy of the 2055 Streets and Highways Modal Plan RFP. The TTC made a unanimous recommendation of approval with updates to make sure that the UPWP budget match the RFP. The project budget in the RFP has been updated to match the values in this memo.

Requested Action: Approval of the release of the RFP for the 2055 Streets and Highways Modal Plan, pending NDDOT.

FARGO-MOORHEAD
METROPOLITAN COUNCIL OF GOVERNMENTS

REQUEST FOR PROPOSALS (RFP)

PROJECT NO. 2027-239

2055 Streets and Highways Modal Plan

DRAFT

August, 2026

APPROVED:

____

Ben Griffith
Metro COG, Executive Director

METROCOG
FM REGIONAL TRANSPORTATION PLANNING ORGANIZATION

REQUEST FOR PROPOSALS (RFP)

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

2055 Streets and Highways Modal Plan

Qualifications based selection criteria will be used to analyze proposals from responding consultants. The most qualified candidates may be invited to present an oral interview. Upon completion of technical ranking and oral interviews, Metro COG will enter into negotiations with the top ranked firm. **Sealed cost proposals shall be submitted with the RFP**. The cost proposal of the top ranked firm will be opened during contract negotiations. Those firms not selected for direct negotiations will have their unopened cost proposals returned. Metro COG reserves the right to reject any or all submittals. This project will be funded, in part with federal transportation funds and has a not-to-exceed budget of **$175,000**.

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

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

All proposals received by **4:30 p.m. (Central Time) on Monday, September 12, 2026** at the Metro COG office will be given equal consideration. Respondents must submit five (5) print copies of the proposal as well as a digital version. The full length of each proposal shall not exceed fifteen (15) double sided pages for a total of thirty (30) pages; including any supporting material, charts, or tables.

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

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

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

Note: The document can be made available in alternative formats for persons with disabilities by contacting the contact above.

TABLE OF CONTENTS

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

I AGENCY OVERVIEW

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

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

II PROJECT BACKGROUND AND OBJECTIVE

A Metropolitan Transportation Plan (MTP) shall include the development of transportation projects addressing no less than a 20-year planning horizon. It shall include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system, assessment of capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure, and contain design concept and design scope descriptions of all existing and proposed transportation facilities in sufficient detail (regardless of funding source). 23 CFR 450.324

Metro COG has adopted a "Modal" framework by which it will develop separate plans for each transportation mode detailing needs within that area. Thes plans will then be wholly referenced within the MTP when they are developed. Separating each mode into distinct plans also allows Metro COG to better focus on developing projects and aligning those projects both with its goals and policies and well as integrate a performance-based planning and programming methodology whereby projects are developed in sufficient detail so that outcomes can be forecasted if individual projects are implemented.

Metro COG is seeking consultant services to develop the 2055 Streets and Highways Modal Plan, which will provide an outlook of auto-oriented transportation needs within the 2055 MTP planning horizon. This plan will focus solely on the single mode, whereas the MTP update effort, to be conducted at a later time, will integrate all modes and translate that into a multimodal approach.

III SCOPE OF WORK AND PERFORMANCE TASKS

Outlined below is the scope of work that will guide development of the 2055 Streets and Highways Modal 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.

At minimum, the Consultant is expected to complete the following tasks as part of this project:

Task 1 – Project Management

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

The Consultant will assign a single person to serve, through the life of the contract, as Consultant Project Manager ("PM"). The PM must be the person identified in the selected firm's proposal and may not be changed without prior written approval of Metro COG. The PM is responsible for overall project management necessary to ensure the satisfactory completion of the 2055 MTP Streets and Highways Modal Plan, on-time and on-budget, in accordance with the scope of services. The PM will serve as the single point of contact and will be expected to ensure the consultant team is properly managed, adequate resources are available, submittals are timely, quality control processes are utilized for maximum benefit, and invoices are paid in a timely fashion.

The PM will submit monthly invoices with documentation acceptable to Metro COG within 30 business days following the end of each month throughout the life of the contract. Invoices must include a monthly progress report, a breakout of activities by task, employee hours for those tasks, and any supportive documentation for expenses. Metro COG reviews and processes all invoices for payment that are received prior to its Policy Board meeting (3rd Thursday of each month). Any invoice received after the second Wednesday of the month will not be processed until the next Policy Board meeting of the following month.

Task 2 – Public Participation

This plan will likely be technical in nature, but as it plays an important role in setting transportation improvement priorities in the Metro COG region for a twenty-year planning horizon and is a component of the MTP, there should be a level of public interaction commensurate with the importance of the plan. The public engagement strategy for developing this approach should meet the minimum standards as listed in Metro COG's Public Participation Plan (PPP). Metro COG is in the process of updating its PPP. The consultant will be responsible for maintaining compliance with the active PPP during the project, even though the policies may change when the updated PPP is adopted.

Stakeholder Engagement: This study will require extensive coordination with the engineering departments of member jurisdictions within Metro COG's Adjusted Urbanized Area (AUZA), as well as MnDOT and NDDOT. This coordination will need to be conducted in order to accomplish Task 3. Multiple rounds of meetings between consultant staff and the agencies should be planned. The consultant should propose how it will accomplish the coordination with member jurisdictions, to include: the number of rounds of coordination meetings, the timing of the rounds, the purpose of each interaction, method by which the engagement will occur, as well as any other relevant details about conducting the coordination.

Study Review Committee (SRC): A Study Review Committee will lead the development of the effort. The consultant should propose how the SRC will manage the course of the study, the number of meetings, and the purpose of each of the meetings. The consultant and Metro COG staff will ultimately determine the composition of the SRC. The consultant should explain this approach within its proposal.

Public Engagement: The consultant should develop an approach within the proposal that it feels is right sized and tailored for this effort, noting the importance the plan plays in determining infrastructure projects in our region for the next 20 years. The consultant will need to thoroughly explain and justify its approach. This should include the type of outreach it feels is necessary, the type of feedback it feels needs to be solicited, the timing of outreach efforts, and how public engagement efforts will be utilized to develop the plan.

Approval Process: The consultant will be required to give a presentation to Metro COG's TTC and Policy Board for the approval of the plan. The consultant may, upon SRC recommendation, also need to make presentations to member agencies to gain approval of the final plan before approval by Metro COG. The consultant should include these approaches within its proposal.

Task 3 – Literature Review

Metro COG regularly conducts corridor studies and subarea plans that inform the need for transportation improvements. Those plans can be for either short-term or long-term improvements. As part of the 2055 Streets and Highways Modal Plan, the consultant should review state, regional, and local planning efforts for transportation improvement projects. The inclusion of these past efforts can ensure that the project development pipeline is upheld, and projects move forward between MTP cycles.

Task 4 – Project Development

The goal of this effort is to identify roadway infrastructures needs within the AUZA, with the focus on those projects that could receive. The base year of the plan will be 2034 with a planning horizon of 2055. The list of projects that will be developed as part of the 2055 Streets and Highways Modal Plan will be incorporated by reference into the 2055 MTP and serve as the list of regional vehicular transportation needs. However, this plan should gather all needs, not just those within fiscal constraint.

The plan shall be constructed to support a performance-based approach to transportation decision-making and support the national goals described in 23 U.S.C. 150(b) and the general purposes described in 49 U.S.C. 5301(c). The consultant shall develop this plan in accordance with standards listed in 23 CFR 450.324 (f) (but not limited to, but rather all sections that apply to the development of MTP projects). Information developed as part of this planning effort should be in support of the development of Metropolitan Transportation Plans (MTP) as listed in the aforementioned CFR citation.

Metro COG would like to develop projects that is can be readily implemented with not only its directly suballocated TMA funds but other federal funding sources as well. The list should take into consideration that projects are often eligible for multiple funding sources based upon the improvement activities.

Project List: The consultant will be required to develop a list of street and highway infrastructure projects for the 2055 planning horizon. Metro COG is interested in cross-categorizing projects so that it can more easily assess the impact a project will have on the region's transportation network in accordance with a performance-based planning and programming approach.

Therefore, a description of activities that will occur and need for the project must be thoroughly developed and classified. The consultant can reference Metro COG's Transportation Improvement Program (TIP) for ways it currently classifies projects. However, Metro COG is open to changing its classification methodology. The consultant should propose how it feels projects can be developed in order to give a clear understanding of the project's purpose and impact on the transportation network to assist in determining yearly project needs, identifying proper funding sources for each project, how the use of federal funding can accomplish agency and regional goals, and ultimately selecting those projects for implementation.

The consultant will also be required to identify the timeframe in which the infrastructure improvements will be necessary. Inflated cost estimates will be required to be developed as part of project development. The consultant should prepare a methodology within its proposal that would address how it seeks to accomplish these tasks.

Project Analysis and Classification: The consultant will be required to conduct an analysis of the project list to classify and summarize the infrastructure needs in the region. The classification system developed for the infrastructure projects detailed in the project list should allow the consultant to analyze the transportation needs within the region, categorize those projects, summarize costs, and project the impacts of delivering those projects.

Task 5 – Final Document

The culmination of this planning effort should be a final plan that lists transportation improvement needs for the 2055 planning horizon. The document should be rich in graphic elements and of a design so that it is easily digestible and organized in a manner so that information is easily accessible.

The consultant will be required to make at least one (1) printed copy available to each of the participating agencies upon their request. The consultant should develop a mechanism for digital display on Metro COG's website.

IV Task 7 - IMPLEMENTATION SCHEDULE

1) Consultant Selection

Advertise for Consultant Proposals	approximately 9/21/2026
Due Date for Proposal Submittals (by 4:30pm)	10/12/2026
Review Proposals/Identify Finalists	(week of) 10/19/2026
Interview Finalists	between 10/26/2026 – 11/5/2026
Metro COG Board Approval/Consultant Notice	11/19/2026

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

2) Project Schedule

The 2055 Streets and Highways Modal Plan is listed with in Metro COG's UPWP as occurring in 2027 and 2028. Metro COG has allocated $100,000 for work in 2027, and $75,000 for work in 2028. CPG funds can no longer be carried over from year-to-year and therefore 100 percent of funding allocated within that calendar year must be utilized in that calendar year. Any unspent funds will be subtracted from the project budget.

It is critical that the development of the 2055 Streets and Highways Modal Plan be completed before the development of the MTP is substantially stated in 2028. Thus, the project must be concluded before the end of the second quarter of 2028 in order that the information can be used for the development of the MTP without risking its federally mandated adoption deadline.

V EVALUATION AND SELECTION PROCESS.

Selection Committee. The Client will establish a multijurisdictional selection committee to select a Consultant. The committee will potentially consist of Metro COG staff, local jurisdictions, and state Department(s) of Transportation.

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

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

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

A Consultant will be selected on November 19, 2026 based on an evaluation of the proposals submitted, the recommendation of the Selection Committee and approval by the Metro COG Policy Board.

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

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

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

VI PROPOSAL CONTENT

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

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

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

1) **Contact Information.** Name, telephone number, email address, mailing address and other contact information for the Consultant's Project Manager.

2) **Introduction and Executive Summary**. This section shall document the Consultant name, business address (including telephone, email address(es), year established, type of ownership and parent company (if any), project manager name and qualifications, and any major facts, features, recommendations or conclusions that may differentiate this proposal from others, if any.

3) **Work Plan and Project Methodology.** Proposals shall include the following, at minimum:

   a) A detailed work plan identifying the major tasks to be accomplished relative to the requested study tasks and expected product as outlined in this RFP;

   b) A timeline for completion of the requested services, including all public participation opportunities and stakeholder meetings, identifying milestones for development of the project and completion of individual tasks.

   c) List of projects with similar size, scope, type, and complexity that the proposed project team has successfully completed in the past.

   d) List of the proposed principal(s) who will be responsible for the work, proposed Project Manager and project team members (with resumes).

   e) A breakout of hours for each member of the team by major task area, and an overall indication of the level of effort (percentage of overall project team hours) allocated to each task. Note that specific budget information is to be submitted in a sealed cost proposal as described below in Section VIII. General Proposal Requirements.

   f) A list of any subcontracted firms, 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) Ability of firm to meet required time schedules based on current and known future workload of the staff assigned to the project.

4) **Signature.** Proposals shall be signed by an authorized member of the firm/project team.

5) **Attachments.** Review, complete, and submit the completed versions of the following RFP Attachments with the proposal:

Exhibit A - Cost Proposal Form (as identified in VIII 1)

Exhibit B – Federal Clauses

VII Submittal Information

Proposals containing the sealed cost proposals shall be submitted as a hard copy along with a digital copy. The proposal materials may either be hand delivered or shipped to ensure timely delivery to the project manager as defined below:

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

All proposals received by 4:30 p.m. on Monday, October 12, 2026 at Metro COG's office will be given equal consideration. Respondents must submit five (5) hard copies as well as one digital PDF copy of the proposal. The full length of each proposal should not exceed thirty (30) pages; including any supporting material, charts, or tables.

The consultant may ask for clarifications of the content within the RFP by contacting the Metro COG project manager identified above. The project manager will attempt to answer reasonable questions regarding the project purpose and intent providing that they are submitted in a timely manner. If you wish to meet with the Metro COG regarding the RFP, please work with the project manager to schedule a time.

VIII GENERAL RFP REQUIREMENTS.

1) **Sealed Cost Proposal.** All proposals must be clearly identified and marked with the appropriate project name; inclusive of a separately sealed cost proposal per the

requirements of this RFP. Cost proposals shall be based on an hourly "not to exceed" amount and shall follow the general format as provided within Exhibit A of this RFP. Metro COG may decide, in its sole discretion, to negotiate a price for the project after the selection committee completes its final ranking. Negotiation will begin with the Consultant identified as the most qualified per requirements of this RFP, as determined in the evaluation/selection process. If Metro COG is unable to negotiate a contract for services negotiations will be terminated and negotiations will begin with the next most qualified Consultant. This process will continue until a satisfactory contract has been negotiated. The sealed cost proposal is required to include the following documentation:

a. **Documentation from the ND Secretary of State detailing the prime consultant is in good standing and is licensed to do business in the State of North Dakota**

b. **Documentation that the prime consultant is registered with the ND Board of Registration**

c. **Documentation showing registration with the federal System for Award Management (SAM.gov) that the prime consultant has not been suspended, debarred, voluntarily excluded, or deterred ineligible**

2) **Consultant Annual Audit Information for Indirect Cost.** Consulting firms proposing to do work for Metro COG must have a current audit rate no older than 15 months from the close of the firms Fiscal Year. Documentation of this audit rate must be provided with the sealed cost proposal. Firms that do not meet this requirement will not qualify to propose or contract for Metro COG projects until the requirement is met. Firms that have submitted all the necessary information to Metro COG and are waiting for the completion of the audit will be qualified to submit proposals for work. Information submitted by a firm that is incomplete will not qualify. Firms that do not have a current cognizant Federal Acquisition Regulations (FARs) audit of indirect cost rates must provide this audit prior to the interview. **This documentation should be attached with the sealed cost proposal. The submitted Indirect Rate MUST match the Indirect Rate on all invoicing.**

3) **Debarment of Suspension Certification and Certification of Restriction on Lobbying.** See Exhibit B, Federal Clauses regarding Debarment of Suspension and Restriction on Lobbying.

4) **Respondent Qualifications.** Respondents must submit evidence that they have relevant past experience and have previously delivered services similar to the requested services within this RFP. Each respondent may also be required to show that similar work has been performed in a satisfactory manner and that no claims of any kind are pending against such work. No proposal will be accepted from a respondent whom is engaged in any work that would impair his or her ability to perform or finance this work.

5) **North Dakota Department of Transportation Consultant Administration Services Procedure Manual.** Applicants to this Request for Proposal are **required** to follow procedures contained in the *NDDOT Consultant Administration Services Procedure Manual*, which includes prequalification of Consultants. This Manual may be found on the NDDOT website at https://www.dot.nd.gov/sites/www/files/documents/construction-and-planning/Consultant-Admin-Services-Procedures.pdf.

IX CONTRACTUAL INFORMATION.

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

2) The Client reserves the right to request clarification on any information submitted and additionally reserves the right to request additional information of one (1) or more applicants.

3) Any proposal may be withdrawn up until the proposal submission deadline. Any proposals not withdrawn shall constitute an irrevocable offer for services set forth within the RFP for a period of ninety (90) days or until one or more of the proposals have been approved by the Metro COG Policy Board.

4) If, through any cause, the Consultant shall fail to fulfill in a timely and proper manner the obligations agreed to, the Client shall have the right to terminate its contract by specifying the date of termination in a written notice to the firm at least ninety (90) working days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.

5) Any agreement or contract resulting from the acceptance of a proposal shall be on forms either supplied by or approved by the Client and shall contain, as a minimum, applicable provisions of the Request for Proposals. The Client reserves the right to reject any agreement that does not conform to the Request for Proposal and any Metro COG requirements for agreements and contracts.

6) The Consultant shall not assign any interest in the contract and shall not transfer any interest in the same without prior written consent of Metro COG.

7) **The Consultant agrees to not start any work on the project until the Qualifications Based Selection requirements have been satisfied and approved by the NDDOT, and Metro COG has provided the consultant with a notice to proceed.**

X PAYMENTS

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

XI FEDERAL AND STATE FUNDS

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

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

XII TITLE VI ASSURANCES

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

1) **Compliance with Regulations.** The Consultant shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations).

2) **Nondiscrimination.** The Consultant, with regard to the work performed by it, shall not discriminate on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**, in the selection and retention of Subconsultants, including procurements of materials and leases of equipment. The Consultant shall not participate, either directly or indirectly, in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3) **Solicitations for Subcontracts, Including Procurements of Materials and Equipment.** In all solicitations, either by competitive bidding or negotiation, made by the Consultant for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential Subconsultant or supplier shall be notified by the Consultant of the Consultant's obligations to Metro COG and the Regulations relative to nondiscrimination on the grounds of race, color, national origin, sex, age, disability/handicap, or income status**.

4) **Information and Reports.** The Consultant shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by Metro COG or the North Dakota Department of Transportation to be pertinent to ascertain compliance with such Regulations,

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

5) **Sanctions for Noncompliance.** In the event of the Consultant's noncompliance with the nondiscrimination provisions as outlined herein, the Client and the North Dakota Department of Transportation shall impose such sanctions as it or the Federal Highway Administration / Federal Transit Administration may determine to be appropriate, including but not limited to:

    a. Withholding of payments to the Consultant under the contract until the Consultant complies; or

    b. Cancellation, termination, or suspension of the contract, in whole or in part.

6) **Incorporation of Title VI Provisions**. The Consultant shall include the provisions of Section XII, paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto.

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

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

XIII TERMINATION PROVISIONS

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

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

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

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

XIV LIMITATION ON CONSULTANT

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

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

XV CONFLICT OF INTEREST

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

XVI INSURANCE

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

XVII RISK MANAGEMENT

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

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

1. Commercial general liability and automobile liability insurance - minimum limits of liability required are $500,000 per person and $2,000,000 per occurrence.

2. Workforce Safety insurance meeting all statutory limits.

3. The Client and the State of North Dakota, its agencies, officers, and employees (State) shall be endorsed as an additional insured on the commercial general liability and automobile liability policies.

4. Said endorsements shall contain a "Waiver of Subrogation" in favor of the Client and the state of North Dakota.

5. The policies and endorsements may not be canceled or modified without thirty (30) days prior written notice to the undersigned Client and the State Risk Management Department.

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

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

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

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

Exhibit A – Cost Proposal Form

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

REQUIRED BUDGET FORMAT

Summary of Estimated Project Cost

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

Exhibit B - Federal Clauses

Agenda Item 3f

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

To: Policy Board
From: Karissa Beierle Pavek, GIS Specialist
Adam Altenburg, Community & Transportation Analyst
Date September 17, 2026
Re: **Draft 2026 Title VI and Non-Discrimination Plan & Limited English Proficiency (LEP) Plan**

Metro COG staff have completed the required three-year update of the Title VI and Non-Discrimination Plan and Limited English Proficiency (LEP) Plan. Both plans were last updated in September 2023.

The U.S. Department of Transportation (USDOT) requires recipients and subrecipients of Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) financial assistance to comply with Title VI of the Civil Rights Act of 1964, which states:

> *"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."*

As a subrecipient of USDOT funding, Metro COG maintains a Title VI Program to ensure that transportation planning and related activities are conducted in a nondiscriminatory manner and that all individuals have meaningful opportunities to participate in the transportation planning process.

The Title VI Program includes Metro COG's Title VI notice to the public, procedures for filing a discrimination complaint, information regarding Title VI investigations, complaints, lawsuits, public participation procedures, and the LEP Plan.

Title VI and Non-Discrimination Plan

Staff have updated the Title VI and Non-Discrimination Plan to reflect current federal requirements and Metro COG practices. Key updates include:

- Revisions to reflect recent federal updates and guidance;
- Staff education regarding Title VI and Non-Discrimination, including video training and internal discussions; and
- Updates to forms used in the discrimination complaint process.

METROCOG Fargo-Moorhead Metropolitan Council of Governments

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

The draft 2026 Title VI and Non-Discrimination Plan is available on Metro COG's website:

https://fmmetrocog.org/titlevi

Limited English Proficiency (LEP) Plan

The LEP Plan is maintained as a separate document and requires separate action for approval. Upon approval, the LEP Plan will become an appendix to the 2026 Title VI and Non-Discrimination Plan.

Updates to the LEP Plan include:

- Revisions to reflect recent federal requirements and guidance;
- Updated references and resources related to translation and language assistance services; and
- Updated data regarding individuals with Limited English Proficiency based on the most recent available Census data.

The draft 2026 LEP Plan is available on Metro COG's website:

https://fmmetrocog.org/resources/LEP

TTC unanimously recommended approval of the updated LEP and Title VI and Non-Discrimination Plans at their regular meeting on September 10, 2026.

Requested Action: Approval of the Limited English Proficiency (LEP) Plan and Non-Discrimination Plan to the Policy Board.